

## **Titan Of The Plaintiffs Bar: Sanford Heisler's David Sanford**

David Sanford of Sanford Heisler Sharp LLP enhanced his already prodigious reputation as a top-tier plaintiffs' side attorney over the past year by working to resolve high-profile gender discrimination suits against Chadbourne & Parke LLP and Sedgwick LLP, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

### **Review**

## **'RBG' An Intriguing Look At The Most Meme-Worthy Justice**

The new documentary "RBG" paints an entertaining portrait of U.S. Supreme Court Justice Ruth Bader Ginsburg and her contributions to American law and society, even as the film suggests that some of her most important work happened decades before she joined the high court. [Read more »](#)

## **Quinn Emanuel Ousts UK Atty After Misconduct Allegations**

Quinn Emanuel Urquhart & Sullivan LLP dismissed a London partner without pay on Tuesday following an investigation into allegations of improper behavior brought by two staffers, the firm said in a statement. [Read more »](#)

## **Calif. High Court Approves Rules Revamp For Atty Conduct**

For the first time since 1987, the California Supreme Court on Thursday approved major revisions to the rules of professional conduct for in-state attorneys, adding new guidelines that address advertising, conflicts of interest, sexual relations with clients, and a host of other concerns. [Read more »](#)

## **For-Profit Law School Sues ABA Over Enforcement Action**

Florida Coastal School of Law filed suit Thursday against the American Bar Association, which recently determined the

school had failed to meet ABA standards, saying the association's enforcement actions have been inconsistent, its standards are vague and that the action against Florida Coastal was an "attack on diversity." Read more »

### **Law360's Weekly Verdict: Legal Lions & Lambs**

Linklaters snagged the title of top legal lion this week, guiding Takeda in its \$62.1 billion acquisition of rare disease-focused drugmaker Shire, while Arnold & Porter ended up on the legal lambs list after a federal judge sanctioned the law firm for filing frivolous motions on behalf of Boston Scientific in a patent infringement suit. Read more »

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**From:** Public Policy Law360  
**Sent:** Wednesday, May 16, 2018 3:57 AM  
**To:** Rep48  
**Subject:** Senate Confirms Trump's Picks For 6th, 10th Circuits



Wednesday, May 16, 2018



## TOP NEWS

### Senate Confirms Trump's Picks For 6th, 10th Circuits

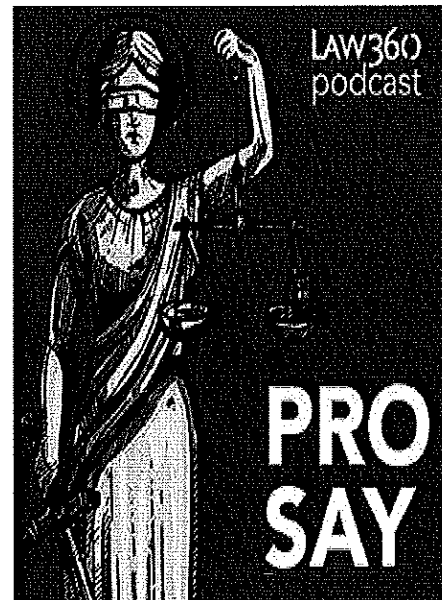
The Senate approved Taft Stettinius & Hollister LLP partner John Nalbandian for the Sixth Circuit and Carson Ryan LLC principal Joel M. Carson III for the Tenth Circuit on Tuesday, the latest in a flurry of appellate judicial confirmations in the past two weeks. [Read more »](#)

### US Seeks To Sink Challenge To Trump's '2-For-1' Order

The federal government has told a D.C. district court that public interest groups have again failed to show that they properly brought suit against President Donald Trump's executive order that said for every new regulation, two have to be repealed, arguing that the groups can't demonstrate the order caused specific harm. [Read more »](#)

### DHS Releases New 5-Point Plan For Fighting Cyber Threats

The U.S. Department of Homeland Security on Tuesday unveiled a new national plan for combating cybersecurity threats, as officials grapple with a growing list of risks and malicious hackers. [Read more »](#)



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## LAW FIRMS

Akerman  
Altshuler Berzon  
Baker Donelson  
Bernstein Shur  
Best Best & Krieger  
Carella Byrne  
Chamberlain Hrdlicka  
Clarence Dyer

## **FDA Cigar Warnings Don't Violate 1st Amendment, Judge Says**

A D.C. federal judge on Tuesday ruled that required health warnings on cigars don't violate the First Amendment since they're aimed at informing the public of health risks in a suit brought by advocacy groups representing smokers and industry against the U.S. Food and Drug Administration. [Read more »](#)

### **Analysis**

## **Here's What The Music Modernization Act Would Do**

The Music Modernization Act, a major copyright bill that's looking more and more likely to become law, is really a package of small tweaks and amendments. Here's a breakdown of exactly what's in the latest version. [Read more »](#)

### **Feature**

## **Budget Gaps, Backlogs Spur States To Tap More P3 Opps**

The Trump administration's push to have local governments shoulder a bigger share of their infrastructure project costs will likely inspire more states and municipalities to tap private investors to get their most crucial projects financed, built and delivered. [Read more »](#)

## **BANKING & SECURITIES**

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## **Trump's Fed Board Nominees Back Tailoring Of Bank Rules**

Two of President Donald Trump's nominees to the Federal Reserve Board of Governors told senators Tuesday that they support the concept of tailoring post-financial crisis rules to better fit banks= 2 differing risk profiles so long as it doesn't undermine the safety and soundness of the financial system. [Read more »](#)

## **ENERGY & ENVIRONMENTAL**

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Cotchett Pitre  
Covington & Burling  
Cravath Swaine  
Davis Wright Tremaine  
Duane Morris  
Earthjustice  
Eversheds Sutherland  
Fox Rothschild  
Genova Burns  
Gibbons PC  
Gibson Dunn  
Goodwin  
Hangley Aronchick  
Holland & Knight  
Hyman Phelps  
Irell & Manella  
Jones Day  
Katten Muchin  
Katz Marshall  
Kelley Drye  
Kirkland & Ellis  
Kline & Specter  
Lite DePalma  
Morgan Lewis  
Munger Tolles  
Norton Rose Fulbright  
O'Melveny & Myers  
Peckar & Abramson  
Pillsbury Winthrop  
Riley Safer  
Schiff Hardin  
Schiller  
Seeger Weiss  
Shearman & Sterling  
Taft Stettinius  
Thompson Hine  
Weiss Serota  
White and Williams

### **Calif., Enviro Ask 9th Circ. To Revive Border Wall Suit**

The state of California and several environmental organizations have urged the Ninth Circuit to overturn a lower court's nixing of their challenge to the Trump administration's planned border wall in the state, saying the projects must first undergo environmental impact assessments. [Read more »](#)

### **Enviros Join EPA Fuel Economy Rollback Fight**

Seven environmental and consumer advocacy groups on Tuesday launched the latest in a string of challenges before the D.C. Circuit to the U.S. Environmental Protection Agency's decision to revisit Obama-era greenhouse gas vehicle emission standards. [Read more »](#)

### **Conn. Sued Over Clean Energy, Efficiency Fund Sweep**

Environmental advocates, energy conservation companies and ratepayer organizations hit Connecticut officials with a federal lawsuit Tuesday over the legislature's decision to sweep funds from clean energy and energy efficiency programs into the state's general fund to plug a budget deficit. [Read more »](#)

### **100 Oil Cos., Banks Urged To Pass On Arctic Refuge Drilling**

Investors with \$2.52 trillion in total assets, including the New York State Common Retirement Fund, Trinity Health and BNP Paribas AM, as well as dozens of environmental and tribal groups pressed oil and gas companies and the banks that back them Monday not to drill in the Arctic National Wildlife Refuge. [Read more »](#)

### **20 Senators Want EPA To Extend Deadline On Science Rules**

A group of 20 senators on Monday wrote a letter to U.S. Environmental Protection Agency Administrator Scott Pruitt, asking him to extend the comment period for a proposed rule that

WilmerHale

#### **COMPANIES**

AT&T Inc.

AbbVie Inc.

All Aboard Florida - Operations LLC

American Academy of Pediatrics

American Bar Association

American Beverage Association

American Cable Association

American Civil Liberties Union

American Medical Association Inc.

American Society Of Composers Authors & Publishers

Apple Inc.

Associated Press

BNP Paribas

Cable News Network Inc.

Center for Biological Diversity Inc.

Comcast Corporation

Communications Workers of America

Conservation Law Foundation

Eli Lilly and Company

Environmental Defense Fund Inc.

Equifax Inc.

Facebook

Gavin Solmonese LLC

Google Inc.

Halliburton Company

Home Box Office Inc.

International Business Machines Corporation

Lambda Legal Defense & Educational Fund

Major League Baseball Inc.

Merck & Co Inc.

Microsoft Corporation

NBCUniversal Inc.

would impact the types of scientific studies the agency could use to support its decision-making. [Read more »](#)

## HEALTH & LIFE SCIENCES

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### **Pot Cos. Thriving With Relaxed Bank Rules: Ex-DOJ Official**

Despite Attorney General Jeff Sessions' reversal of an Obama-era policy not to prosecute legal marijuana businesses, a federal crackdown hasn't occurred and the industry is benefiting from selective enforcement of financial regulations, a former U.S. Department of Justice official said recently at a tax conference. [Read more »](#)

## IP & TECHNOLOGY

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### **Streaming Music Bill Hits The Right Notes On Capitol Hill**

Famous musicians, bipartisan lawmakers and rival industry groups all voiced support at a Senate hearing Tuesday for a package of copyright amendments that would make major changes to how streaming music services such as Spotify pay royalties. [Read more »](#)

## MEDIA & ENTERTAINMENT

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### **Feature**

### **Sports Betting In NJ Months Away After High Court Win**

With state lawmakers moving quickly to pass legislation, regulated sports betting in New Jersey could be up and running in a matter of months based on the state's preparations in anticipation of a U.S. Supreme Court decision permitting such gambling in the Garden State, attorneys say. [Read more »](#)

### **Calif. Lawmaker Hustles To Legalize Sports Betting**

A California State Assembly member moved quickly Monday to propose a constitutional amendment making sports betting legal in the

NFL Enterprises LLC  
National Basketball Association  
National Collegiate Athletic Association  
National Hockey League  
Natural Resources Defense Council  
New York Times Co.  
Pacific Investment Management Company  
Pfizer Inc.  
Public Citizen Inc.  
RCN Corp.  
Recording Industry Association of America  
Rite Aid Corporation  
Ryan LLC  
Sierra Club  
Sirius XM Radio Inc.  
Spotify Technology SA  
State Bar of California  
Syngenta AG  
TBS International Limited  
Takeda Pharmaceutical Co. Ltd.  
The DIRECTV Group, Inc.  
Time Warner Inc.  
Turner Broadcasting System Inc.  
U.S. Chamber of Commerce  
Umpqua Holdings Corporation  
Union of Concerned Scientists  
UnitedLex Corp.  
Villanova University  
Volkswagen  
Weaver LLP

## GOVERNMENT AGENCIES

Bureau of Indian Education  
Bureau of Land Management  
Central Intelligence Agency

Golden State, the same day the U.S. Supreme Court struck down a federal ban prohibiting states from legalizing sports betting. Read more »

## COMPETITION

### **AT&T, Time Warner Fight Alternative Merger Fix**

AT&T and Time Warner asked a D.C. federal court on Tuesday to reject a cable company and trade group's call for a stricter arbitration process than the companies have committed to, saying it's not their place to fill gaps left in the government's challenge to their proposed \$85 billion merger. Read more »

## CYBERSECURITY & PRIVACY

### **IBM Urges Congress Not To Adopt GDPR-Style Privacy Law**

More than 100 IBM executives have a clear message for Congress on data privacy as they meet with lawmakers on Capitol Hill this week: The U.S. should not pass its own version of the European Union's General Data Protection Regulation. Read more »

## AEROSPACE & DEFENSE

### **Feds Press 2nd Circ. To Keep Drone Program Ruling Secret**

The Trump administration on Tuesday urged the Second Circuit to vacate a Manhattan federal judge's ruling in a Freedom of Information Act suit that purportedly held that the U.S. government has acknowledged classified information about targeted killings abroad, saying such a disclosure would endanger national security. Read more »

### **Transgender Troops Say Freeze On Ban Won't Hurt Military**

Active and prospective transgender troops urged a Washington federal judge to keep an injunction in place freezing President Donald

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Congressional Budget Office

Connecticut Attorney General's Office

Copyright Royalty Board

Drug Enforcement Administration

Energy Information Administration

Equal Employment Opportunity Commission

European Commission

European Union

Executive Office of the President

Federal Communications Commission

Federal Reserve Bank of Kansas City

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Fish and Wildlife Service

Food and Drug Administration

Internal Revenue Service

NAFTA

National Highway Traffic Safety Administration

National Institute of Standards and Technology

New Jersey Legislature

New York State Comptroller

Ohio Supreme Court

Pennsylvania Supreme Court

Port Authority of New York & New Jersey

State Justice Institute

U.S. Attorney's Office

U.S. Copyright Office

U.S. Department of Defense

Trump's policy barring them from serving in the military, arguing that they'll be denied crucial medical treatment if the stay is lifted pending the administration's appeal. [Read more »](#)

## INTERNATIONAL TRADE

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### **Sens. Push Trump Not To Give Away Cheese Names In NAFTA**

Two dozen U.S. senators urged the Trump administration to protect the use of common cheese names in the North American Free Trade Agreement Tuesday, expressing consternation that a bilateral deal between the European Union and Mexico could clamp down on U.S. dairy producers. [Read more »](#)

## TAX

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### **US Urges Supreme Court To Review W.Va. Retiree Tax Case**

Federal attorneys, responding to a request from the U.S. Supreme Court, urged the justices Tuesday to examine a claim from a federal law enforcement retiree that West Virginia improperly grants preferential tax treatment to state law enforcement retirees. [Read more »](#)

### **Treasury Borrows \$5.4B Daily To Pay For TCJA, Dems Say**

One day before the House Ways and Means Committee planned to hold its first hearing on the tax overhaul since it became law, committee Democrats issued a report Tuesday saying that the Treasury Department is borrowing \$5.4 billion every day to pay for the cuts. [Read more »](#)

### **Philly Soda Tax Duplicates State Sales Tax, Pa. Justices Told**

A beverage industry attorney urged the Pennsylvania Supreme Court during oral arguments Tuesday in Harrisburg to strike down the city of Philadelphia's controversial new tax on the distribution of sweetened drinks

U.S. Department of Education

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Patent and Trademark Office

U.S. Supreme Court

U.S. Tax Court

World Intellectual Property Organization



as an improper duplication of the state's sales tax. [Read more »](#)

## IMMIGRATION

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### **DACA's Legality, Rollback Focus Of 9th Circ. Arguments**

The Ninth Circuit heard oral arguments Tuesday in a case challenging the Trump administration's attempted rescission of the Deferred Action for Childhood Arrivals program, with both sides focusing on the government's assertion that the initial implementation of the program was unlawful. [Read more »](#)

### **Ohio To Assist Legal Immigrants With Life In Midwest**

Ohio Gov. John Kasich on Tuesday ordered the creation of an advisory committee and a government office to assist immigrants who are in the U.S. legally with acclimating to life in the Midwestern state and with securing jobs and other opportunities. [Read more »](#)

### **Chicago Opposes Stay In 7th Circ. Sanctuary Funds Ruling**

The city of Chicago urged the Seventh Circuit on Monday not to grant the Trump administration's request to limit the scope of a nationwide injunction prohibiting it from barring so-called sanctuary cities from a federal public safety grant, arguing that the injunction is in the public interest. [Read more »](#)

## NATIVE AMERICAN

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### **House Passes Oregon Tribal Land Transfer Bill**

The U.S. House of Representatives passed a bill Tuesday meant to allow a handful of Oregon tribes to have more flexibility to transfer or lease their lands that are not held in trust by the federal government. [Read more »](#)

## TELECOMMUNICATIONS

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## **Net Neutrality Bill Could Hasten Other Reforms, Orgs Say**

Congress must pass net neutrality "compromise" legislation so lawmakers and regulators can move on to more pressing issues of online privacy and misinformation, said advocates of the Federal Communications Commission's net neutrality deregulation on Tuesday [Read more »](#)

## **FCC Rethinking Autodialer Definition After Court Loss**

The Federal Communications Commission is looking for suggestions as it comes up with a new definition for autodialers that will be banned from making robocalls, after the agency's previous definition was thrown out by the D.C. Circuit as being too broad. [Read more »](#)

## **WHITE COLLAR**

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## **Manafort Can't Slip DC Charges From Mueller Investigation**

A Washington, D.C., federal judge refused to toss money laundering and other charges against former Trump campaign chairman Paul Manafort on Tuesday, ruling Acting Attorney General Rod Rosenstein was within his authority to authorize Special Counsel Robert Mueller to investigate "any links" that arose from investigating Russian election interference. [Read more »](#)

## **EXPERT ANALYSIS**

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## **Nat'l Space Council Could Launch New Era Of Patent Policy**

While the recently re-established National Space Council has a broad mandate to develop U.S. space policy recommendations, one important area for the council should be fostering creative endeavors in space. In particular, the council should determine if the current patent law framework is adequate, say

Larry Williams Jr. and William Allen of  
Thompson Hine LLP. [Read more »](#)

Opinion

### **'Hoping' Employers Will Stimulate Economy Is Not Enough**

Lawmakers hoped corporations would use the money from tax incentives in last year's overhaul to create jobs, raise pay and take other steps to grow the U.S. economy, without requiring that they do so. Change would be more likely if the law were crafted so corporations receive tax breaks only to the extent that such promises are fulfilled, says James Edward Maule, professor at Villanova University's Charles Widger School of Law. [Read more »](#)

### **Ending Forced Arbitration In Workplace Discrimination Cases**

While recent actions to eliminate forced arbitration for employee sexual harassment and sex discrimination claims are welcomed developments in the wake of the #MeToo movement, the concerns motivating the movement provide a similar opportunity to consider the ramifications of changes that benefit one group and how they might be expanded to benefit all workers, says Joseph Abboud of Katz Marshall & Banks LLP. [Read more »](#)

### **Opioid Legislation May Expand Telehealth Coverage**

Several of the opioid-related proposals under consideration in both houses of Congress would allow more practitioners to remotely prescribe treatment for opioid addiction. This would greatly increase providers' access to those suffering from addiction in rural areas, say Emily Wein and Amit Rao of Baker Donelson Bearman Caldwell & Berkowitz PC. [Read more »](#)

### **Calif. Attorney-Officials Must Heed AG's Ethics Warning**

The California attorney general recently issued an opinion on the conflicts posed when an attorney who serves as a city councilmember has a client with interests adverse to the city. The opinion illustrates that ethical conflicts can arise when a lawyer has a fiduciary relationship, but not an attorney-client relationship, with a person or legal entity, says Gary Schons of Best Best & Krieger LLP. [Read more »](#)

## LEGAL INDUSTRY

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### Feature

#### **Titan Of The Plaintiffs Bar: Seeger Weiss' Christopher Seeger**

Seeger Weiss LLP co-founder Christopher Seeger helped patients who suffered heart attacks after using testosterone replacement drugs score more than \$300 million in two recent bellwether trials and negotiated a record \$1.5 billion agricultural settlement last year, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

#### **How Law Firms Can Use Psychology To Make More Money**

Law firms currently lag behind much of the corporate world when it comes to using psychology to price the services they sell, and in doing so firms may be missing out on a good deal of potential revenue, according to a speaker at the Legal Marketing Association's P3 conference in Chicago Tuesday. [Read more »](#)

#### **Clients Show Law Firms They Expect More With Report Cards**

Corporate clients are increasingly grading outside counsel on a vast array of traits and characteristics and using the report cards they develop to make big decisions about who to keep and who to cut from their rosters, according to a presentation at the Legal Marketing Association's P3 conference in Chicago on Tuesday. [Read more »](#)

**Analysis**

**Work-Hungry Firms Cede Ground On Security Retainer Fees**

The retainer fee has largely survived the financial push-and-pull between firms and corporate clients over the last decade, experts said, but some evidence is emerging that even companies with cash-flow problems have leverage to negotiate smaller upfront payments with their counsel. [Read more »](#)

**Shuttered NC Law School Sues ABA Over Enforcement Action**

Charlotte School of Law sued the American Bar Association in North Carolina federal court Tuesday, claiming that enforcement actions by the organization related to law school accreditation violated the due process rights of the for-profit college and led to its closure last year. [Read more »](#)

**Pillsbury Expands SALT Team With 13 Eversheds Attorneys**

Pillsbury Winthrop announced Tuesday it has added 13 former Eversheds Sutherland attorneys to its state and local tax team led by Carley Roberts and Marc Simonetti, increasing to 19 the number of attorneys focused on SALT. [Read more »](#)

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**From:** Public Policy Law360  
**Sent:** Thursday, May 17, 2018 4:49 AM  
**To:** Rep48  
**Subject:** Tax-Funded Development Deals Facing Renewed Scrutiny



Thursday, May 17, 2018



## TOP NEWS

### Analysis

#### **Tax-Funded Development Deals Facing Renewed Scrutiny**

Despite state-backed mega-projects such as Amazon's second headquarters making headway and getting stronger than ever, such taxpayer-funded development deals are facing rising scrutiny by urban planners and concerned citizens. [Read more »](#)

### Analysis

#### **9th Circ. Ruling May Help Independent Contractors Unionize**

Last week's Ninth Circuit ruling reviving the U.S. Chamber of Commerce's antitrust challenge to a first-of-its-kind Seattle law letting app-based drivers form quasi-unions was a blow to Uber and Lyft drivers in the Emerald City, but it may prove to be a win for independent contractors in the long run, attorneys say. [Read more »](#)

### Analysis

#### **4th Circ. Ruling Shows It's Open Season On Pipeline Permits**

The Fourth Circuit's invalidation Tuesday of a U.S. Fish and Wildlife Service permit allowing developers of the \$5 billion Atlantic Coast natural gas pipeline to injure certain endangered and threatened species during



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### LAW FIRMS

Aegis Law  
Akin Gump  
Altshuler Berzon  
Arent Fox  
Arnold & Porter  
Baker McKenzie  
Bradley Arant  
Burke Williams

construction highlights the growing, multifront legal battle against pipeline projects, where virtually any federal or state approval is ripe for a court challenge. [Read more »](#)

### **EPA's Pruitt Acknowledges Ethics Missteps, Notes Changes**

U.S. Environmental Protection Agency Administrator Scott Pruitt on Wednesday told senators that after months of facing ethics investigations, he has instituted new procedures intended to avoid such troublesome entanglements in the future. [Read more »](#)

### **Senate Subcommittee Chair Wants IRS Overhaul Before Break**

The slew of bills passed by the U.S. House of Representatives that would overhaul operations at the Internal Revenue Service should be prioritized and passed before the August recess, the chairman of the Senate Finance Taxation and IRS Oversight Subcommittee told Law360 on Wednesday. [Read more »](#)

### **Covington Partner Tapped As FTC Consumer Bureau Director**

Federal Trade Commission Chairman Joseph Simons made four appointments to the agency's senior leadership team Wednesday, including selecting a Covington & Burling LLP partner who co-chairs the firm's financial services practice group, the agency announced. [Read more ½ B](#)

### **10 Fla. Cities Join Challenge To Limits On Local Gun Control**

Ten more Florida municipalities and more than two dozen public officials have joined a lawsuit challenging a state law that bars local governments from enacting gun safety laws deemed stricter than the state's, according to an amended complaint filed late Tuesday. [Read more »](#)

Capital Appellate Advocacy PLLC

Cassidy Levy

Cooley

Covington & Burling

Cravath Swaine

DLA Piper

Davis Polk

Dechert

Dentons

Earthjustice

Foley & Lardner

Gibson Dunn

Greenberg Traurig

Hausfeld

Hogan Lovells

Hunton Andrews Kurth

Jones Day

Kirkland & Ellis

Kobre & Kim

Latham & Watkins

Leech Tishman

Lieff Cabraser

Mayer Brown

McGuireWoods

Meyer Glitzenstein

Morgan Lewis

Morrison & Foerster

Norton Rose Fulbright

O'Neill & Borges

Paul Hastings

Paul Weiss

Pillsbury Winthrop

Polsinelli

Proskauer Rose

Quinn Emanuel

Reed Smith

Ropes & Gray

Saul Ewing



## BANKING & SECURITIES

### **BofA Loses Bid For 9th Circ. Redo Of Calif. Escrow Ruling**

The full Ninth Circuit will not rehear a panel decision that revived a putative class action alleging that Bank of America NA skirted state law by electing not to pay interest on mortgage escrow accounts, circuit judges said in an order Wednesday. [Read more »](#)

### **SEC Handling Each ICO Based On 'Facts And Circumstances'**

The U.S. Securities and Exchange Commission will continue to handle cryptocurrency offerings based on a "facts and circumstance" test that judges each case individually to determine whether it's a security subject to SEC regulation, Stephanie Avakian, co-director of the agency's the Division of Enforcement, said Wednesday. [Read more »](#)

### **FinCEN Chief Sees New CDD Rule As Work In Progress**

The head of the Financial Crimes Enforcement Network assured House lawmakers Wednesday that his agency is not looking to "ding anybody" on the new customer due diligence rule that went into effect last week and that it understands financial institutions may need a little extra time to work out its kinks. [Read more »](#)

## ENERGY & ENVIRONMENTAL

### **Green Groups Sue To Get Hardrock Mining Cleanup Cost Rule**

Environmental groups on Wednesday sued the Trump administration in the D.C. Circuit over its decision not to issue final regulations requiring hardrock mining facilities to prove they can pay for cleanup efforts that their operations might necessitate. [Read more »](#)

### **Enviros Score In Bi-State Sage Grouse Protection Battle**

Shearman & Sterling

Shutts & Bowen

Sidley Austin

Skadden

Stearns Weaver

Sullivan & Cromwell

Susman Godfrey

Troutman Sanders

Wachtell Lipton

Weiss Serota

White & Case

Wilkinson Barker

## COMPANIES

AT&T Inc.

Amazon.com Inc.

American Bankers Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

BDO USA LLP

BNSF Railway

BTI Consulting Group Inc.

Bank of America Corporation

Barclays PLC

Baykeeper

Berkshire Hathaway Inc.

Cambridge University Press Ltd.

Center for Biological Diversity Inc.

Center for Strategic and International Studies

Chemours Co.

Churchill Downs Inc.

Citigroup Inc.

Comcast Corporation

Conference of State Bank Supervisors

Consumer Bankers Association

A California magistrate judge handed a quick win Tuesday to four environmental groups challenging the U.S. Fish and Wildlife Service's decision to reverse course on a plan to protect the bi-state sage grouse under the Endangered Species Act. [Read more »](#)

### **EPA's Wehrum Hopes To Avoid Calif. Fuel Economy Fight**

The U.S. Environmental Protection Agency will continue to negotiate with California in an effort to stave off a brewing legal war over greenhouse gas emissions regulations for vehicles, top agency air official Bill Wehrum told a House panel Wednesday. [Read more »](#)

## **HEALTH & LIFE SCIENCES**

### **Novartis GC Steps Down After News Of Cohen Payments**

The group general counsel of pharmaceutical company Novartis AG stepped down on Wednesday, the Swiss drugmaker said in a press release, in the wake of news reports that the business made monthly payments to an organization owned by President Donald Trump's personal lawyer Michael Cohen. [Read more »](#)

### **Democratic AGs Can Fight Latest Anti-ACA Suit, Judge Says**

A squadron of Democratic attorneys general can swoop into a new, Republican-backed legal challenge to the Affordable Care Act's constitutionality and fight the case, a Texas federal judge ruled Wednesday. [Read more »](#)

### **Man Asks Fla. Justices For Right To Grow Pot During Appeal**

A Tampa, Florida, man who successfully sued the state for the right to grow marijuana for his medical use under a 2016 constitutional amendment asked the Florida Supreme Court late Tuesday to vacate a stay of a lower court's

Consumer Data Industry Association  
Deutsche Bank AG  
Dominion Energy Inc.  
Eldorado Resorts Inc.  
Equifax Inc.  
Foxconn  
HSBC Holdings PLC  
Huawei Technologies  
IMF Bentham Ltd.  
Independent Community Bankers of America  
Kaspersky Lab Ltd.  
Kentucky Derby  
LexisNexis Group  
Los Angeles Times  
Lyft Inc.  
Major League Baseball Inc.  
NFL Enterprises LLC  
National Basketball Association  
National Collegiate Athletic Association  
National Employment Law Project  
National Federation of Independent Business  
National Hockey League  
National Indian Gaming Association  
Novartis AG  
Reed Elsevier  
Sierra Club  
Southern Environmental Law Center  
Tax Foundation  
The Center for Auto Safety  
Twitter Inc.  
U.S. Chamber of Commerce  
USG Corporation  
Washington Post Co.

decision during the state's appeal so he can access the medicine. [Read more »](#)

## MEDIA & ENTERTAINMENT

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### **Churchill Downs To Enter Sports Betting, Online Gambling**

Days after the U.S. Supreme Court struck down federal restrictions on sports betting, Kentucky Derby operator Churchill Downs Inc. said it will work with the Golden Nugget Atlantic City hotel to enter sports betting and online gambling markets in New Jersey. [Read more »](#)

## TRANSPORTATION & INFRASTRUCTURE

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### **FAA Properly Vetted SoCal Flight Paths, DC Circ. Told**

The Federal Aviation Administration told the D.C. Circuit on Monday that it properly assessed environmental impacts before implementing new flight paths for Southern California airports as part of its air traffic control modernization program, insisting a challenge from local residents over aircraft noise must be rejected. [Read more = 2](#)

### **Oakland Lacked Evidence For Coal Shipping Ban, Judge Says**

A California federal judge said Tuesday that Oakland could not ban a cargo shipping terminal developer's proposed coal operations based on claims they would pose a substantial health or safety risk, finding the city violated its contract with the firm by passing regulations without enough evidence of danger. [Read more »](#)

### **DOT Needs To Stop Stalling On Seat Belt Rule, DC Circ. Told**

Auto safety groups blasted the U.S. Department of Transportation for doing little or nothing to implement a congressional mandate requiring automobile warnings when backseat

Xylem Inc.  
ZTE Corp.

## GOVERNMENT AGENCIES

Coeur d'Alene Tribe  
Commodity Futures Trading Commission  
Consumer Financial Protection Bureau  
Department of Commerce  
Executive Office of the President  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Deposit Insurance Corp.  
Federal Energy Regulatory Commission  
Federal Reserve System  
Federal Trade Commission  
Financial Crimes Enforcement Network  
Fish and Wildlife Service  
Florida Department of Health  
Food and Drug Administration  
Government Accountability Office  
Internal Revenue Service  
International Trade Administration  
Los Angeles World Airports  
National Highway Traffic Safety Administration  
National Indian Gaming Commission  
National Labor Relations Board  
National Park Service  
National Security Agency  
Navajo Nation  
New York State Department of Financial Services  
Office of the Comptroller of the Currency

passengers don't buckle up, with arguments in D.C. Circuit on Wednesday that focused heavily on its jurisdiction and what exactly was required of the DOT. [Read more »](#)

## COMPETITION

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### **FTC Warns Of Nonpayment Deals That Must Be Reported**

Federal Trade Commission staff warned Tuesday that certain corporate acquisitions and other transactions may need to be reported to antitrust enforcement agencies for review even if they don't involve a payment, including security swaps, share transfers and corporate reorganizations. [Read more »](#)

## INTERNATIONAL TRADE

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### **Sens. Hear Case For \$7.5B Bill To Counter China's Influence**

U.S. policy in the Indo-Pacific region must counter the rise of China and support American interests through defense alliances, increased military spending and the promotion of the rule of law, a Senate subcommittee heard Tuesday at a hearing for legislation that would spend \$7.5 billion over five years to support the mission. [Read more »](#)

### **Commerce Finalizes 3.6% Tariff On Resin Imports From India**

The U.S. Department of Commerce on Tuesday announced it would implement modest tariffs of 3.6 percent on imports of certain nonstick resin from India that often coats cookware, after initially finding back in March that producers there had received illegal government subsidies. [Read more »](#)

## TAX

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Analysis

### **High Court Payroll Row Raises Other Employee Tax Concerns**

Securities and Exchange Commission

U.S. Agency for International Development

U.S. Army

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Sentencing Commission

U.S. Supreme Court

Washington Legislature

The latest tax dispute to hit the U.S. Supreme Court dockets may be narrowly limited to the rail industry, but the possibility of an IRS regulation being struck down could open a can of worms on what kinds of employee compensation can be taxed. [Read more »](#)

### **CPA Group Urges IRS To Simplify Partnership Audit Rules**

The American Institute of CPAs urged the IRS and U.S. Department of Treasury on Wednesday to make six changes to the centralized partnership regime audit rules, with one suggestion focusing on introducing an elective simplified tax attribute procedure when there are only minor audit adjustments. [Read more »](#)

## **BANKRUPTCY**

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### **Puerto Rico Creditors Renew Efforts To Conduct Debt Probe**

The unsecured creditors in Puerto Rico's bankruptcy-like restructuring proceedings on Tuesday renewed a request to conduct their own investigation into the causes of the island's financial crisis and reckless accumulation of debt, slamming a federal board's ongoing probe for insufficient aims and continued delays. [Read more »](#)

## **IMMIGRATION**

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### **ICE Arrests 78 In 5-State Sweep Across Midwest**

U.S. Immigration and Customs Enforcement arrested 78 undocumented immigrants in a five-state sweep last week in the Midwest, ICE officials announced Tuesday, as part of the Trump administration's attempt to crack down on illegal immigration in the name of public safety. [Read more »](#)

### **Immigration Bill Roundup: Detention Sites, Visa Overstays**

Both federal and state lawmakers have pushed legislation this month that would reduce the practice of immigration detention, tackle visa overstays and limit the disclosure of immigration status in California courts. Here, we examine their proposals. [Read more »](#)

## NATIVE AMERICAN

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### **Idaho Tribe Member Wins Dem. Primary For Governor**

Paulette Jordan, a state legislator and former Coeur d'Alene tribal council member with experience in tribal gaming, won the Democratic primary for Idaho governor Tuesday in her bid to become the first Native American elected governor of any state. [Read more »](#)

### **Tribes Must Be Part Of Sports Betting Discourse, NIGC Says**

The National Indian Gaming Commission said Tuesday that it will work with tribes in the wake of the U.S. Supreme Court decision to allow states to legalize sports betting, to ensure Native American voices are heard in the new gaming environment. [Read more »](#)

## TELECOMMUNICATIONS

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### **Senate Passes Measure To Keep Net Neutrality**

Senate Democrats narrowly succeeded Wednesday in passing a resolution to nullify the Federal Communications Commission's net neutrality deregulation rule, setting the stage for a tougher showdown in the House. [Read more »](#)

### **Chinese Telecom Poses Cybersecurity Risk, House Reps. Told**

Cybersecurity experts told a House subcommittee Wednesday that telecom infrastructure built by Chinese companies with alleged government ties poses a national security risk, and advocated for interagency

and private sector collaboration to address the risks in a targeted way. [Read more »](#)

## EXPERT ANALYSIS

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### **Sports Bet Decision Reveals Hidden Preemption Requirement**

In holding that the Professional and Amateur Sports Protection Act's anti-authorization provision is not a preemption provision, the U.S. Supreme Court's decision this week in *Murphy v. NCAA* provides a fascinating, and potentially far-reaching, clarification of the nature of federal preemption, says Lawrence Ebner of Capital Appellate Advocacy PLLC. [Read more »](#)

### **Industry-Friendly OCC Regulations May Be On The Horizon**

The Office of the Comptroller of the Currency's agenda for the next few months, as articulated by new OCC leader Joseph Otting, seems promising for the industry and may provide regulatory relief to banks in many areas. At the same time, Otting's proposals may face legal challenges, say attorneys with Arnold & Porter. [Read more »](#)

Opinion

### **Why Won't Judicial Nominees Affirm Brown V. Board Of Ed?**

On May 17, 1954, the U.S. Supreme Court decided *Brown v. Board of Education*, recognizing a moral and legal truth that should be beyond question in American society. The refusal by some of President Donald Trump's judicial nominees to say whether they believe the case was decided correctly is indicative of the narrow-minded elitism they would bring to the bench, says professor Franita Tolson of the University of Southern California's Gould School of Law. [Read more »](#)

Opinion

### **Litigation Funding Bill Lacks Policy Rationale**

Republican senators recently introduced "The Litigation Funding Transparency Act of 2018" with the purported goal of keeping the civil justice system honorable and fair. However, it would do exactly the opposite by imposing more barriers to entry for claimants trying to bring meritorious lawsuits against massive corporations, says Matthew Harrison of Bentham IMF. [Read more »](#)

## LEGAL INDUSTRY

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### **Titan Of The Plaintiffs Bar: Susman Godfrey's Bill Carmody**

Bill Carmody of Susman Godfrey LLP helped investors in the sprawling multidistrict litigation over alleged manipulation of Libor land a \$130 million settlement with Citigroup last year, and also scored a judgment worth more than \$100 million for General Electric after a jury verdict in a contract dispute, landing him among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

### **GCs Say These Firms Have The Strongest Brands**

The strength of a firm's brand is critical to getting legal decision makers' attention and winning their business, according to a report released this week singling out the 28 firms that have succeeded above all others in establishing their reputation and name recognition. [Read more »](#)

### **Fear Can Make Lawyers Undervalue Their Work**

A mindset rooted in fear is causing many attorneys to improperly price the work they do for clients and undervalue themselves, according to a Wednesday presentation at the LMA P3 conference in Chicago. [Read more »](#)

### **Adopt Uniform Bar Exam, Texas Task Force Recommends**

Texas should adopt the Uniform Bar Exam, a task force told the Texas Supreme Court in a



report released Wednesday, saying that it would benefit its law school graduates who want to practice elsewhere or handle matters that cross state lines. [Read more »](#)

### **Lexis Boosts IP Services With PatentSight Acquisition**

LexisNexis-owned Reed Tech, which provides information services to the intellectual property, government and life sciences industries, on Wednesday announced that it has acquired PatentSight, a data analytics company known for its program that helps value IP assets. [Read more »](#)

#### **JOBS**

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**From:** Public Policy Law360  
**Sent:** Friday, May 18, 2018 4:38 AM  
**To:** Rep48  
**Subject:** Senate Nearing Point Of No Return On Judicial Confirmations



Friday, May 18, 2018



## TOP NEWS

### Analysis

#### **Senate Nearing Point Of No Return On Judicial Confirmations**

President Donald Trump kept up the momentum this week in his push to reshape the federal courts by getting his 21st circuit court judge confirmed through a sharply divided Senate, but the effort to leave his stamp on the judiciary may permanently alter how the chamber confirms judges — and how quickly. [Read more »](#)

### Analysis

#### **FDA Shames Anti-Generic Tactics, Putting Onus On Congress**

The U.S. Food and Drug Administration on Thursday named and shamed drugmakers suspected of impeding lower-cost generics by withholding product samples, a splashy move that could jolt Congress into taking action. [Read more »](#)

#### **EU Will Implement Tariffs On \$3B In US Goods**

The European Union on Wednesday announced it will implement tariffs on more than \$3 billion of U.S. goods to retaliate against the Trump administration's recently

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### LAW FIRMS

Akerman  
Akin Gump  
Baker McKenzie  
BakerHostetler  
Beck Redden  
Bryan Cave  
Constangy Brooks  
Cotchett Pitre  
Cozen O'Connor  
Cultural Heritage Partners, PLLC  
Davis Wright Tremaine  
Duane Morris

enacted tariffs on imports of steel and aluminum. [Read more »](#)

### **EPA Floats Rollback Of Obama-Era Chemical Safety Regs**

The U.S. Environmental Protection Agency on Thursday proposed rollbacks of several key provisions of an Obama-era chemical risk management rule as it fights a legal battle with environmental groups and a steelworkers' union over a delay of the rule to mull reconsideration bids from industry groups and several states. [Read more »](#)

### **Senate OKs 1st Female CIA Chief Despite Torture Concerns**

President Donald Trump's choice to lead the CIA, Gina Haspel, cleared the Senate on Thursday despite opposition from a number of Democrats and Republicans over her record at the agency, including her oversight of so-called black sites and torture of terror suspects. [Read more »](#)

## **BANKING & SECURITIES**

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### **Calif., NY, Ore. Push On In Fiduciary Rule Case**

The attorneys general of California, New York and Oregon showed on Wednesday that they aren't ready to give up the fight to save the U.S. Department of Labor's fiduciary rule, asking the full Fifth Circuit for permission to intervene in the case after a three-judge panel wouldn't let them. [Read more »](#)

## **ENERGY & ENVIRONMENTAL**

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### **FERC Tees Up Review Of Public Utility Regulatory Policies**

The chairman of the Federal Energy Regulatory Commission announced Thursday that the commission will review its longstanding policies under the four-decade-old Public Utility Regulatory Policies Act, which

Durie Tangri  
Faegre Baker  
Fisher Phillips  
Fleming Ruvoldt  
Gibbons PC  
Gibson Dunn  
Herrick Feinstein  
Husch Blackwell  
Hutchinson Black  
Irell & Manella  
Jones Day  
Kirkland & Ellis  
Lanier Law Firm  
McDermott Will  
McGuireWoods  
McKool Smith  
Morrison & Foerster  
Munger Tolles  
Norton Rose Fulbright  
Paul Weiss  
Perkins Coie  
Procopio Cory  
Quinn Emanuel  
Reed Smith  
Ropes & Gray  
Schlossberg LLC  
Squire Patton Boggs  
Stoel Rives  
Vinson & Elkins  
Wiley Rein  
WilmerHale

## **COMPANIES**

AARP Inc.  
AT&T Inc.  
Achmea BV  
Airbnb Inc.  
Amazon.com Inc.  
American Bar Association

directs utilities to buy electricity from small-scale producers. [Read more »](#)

### **Immigration Standoff Threatens Farm Bill Passage In House**

Congress' long-simmering immigration debate boiled over Thursday, potentially upsetting the five-year reauthorization of many farm and food stamp programs in the House as conservative members threatened to vote down the legislation. [Read more »](#)

### **Minn. Legislature Passes Bill To Greenlight Pipeline Project**

The Minnesota House of Representatives on Thursday passed an amended piece of legislation that authorizes the company behind a pipeline replacement project to go ahead with construction, according to legislative records. [Read more »](#)

## **MEDIA & ENTERTAINMENT**

### **NCAA May Change Gambling-Related Rules**

The National Collegiate Athletic Association on Thursday said it is suspending its ban on championship games in states that allow sports betting and that it may consider permanent rule changes in response to the U.S. Supreme Court's Monday sports gambling ruling. [Read more »](#)

### **Conservative Blogger Defeats Fees But Not Ethics Fine Suit**

A Texas appellate court on Thursday held that a conservative activist and blogger who was fighting a \$10,000 fine from the Texas Ethics Commission for failing to register as a lobbyist cannot use a state free speech law to dismiss his own administrative appeal of the fine [Read more »](#)

## **REAL ESTATE**

American Council of Life Insurers

American Gaming Association

Apollo Global Management LLC

Apple Inc.

Association for Accessible Medicines

Charter Communications Inc.

Comcast Corporation

DePuy Synthes Cos.

Emerson Electric Co.

Enbridge

Facebook

Google Inc.

HomeAway Inc.

International Centre for Settlement of Investment Disputes

Intuit Inc.

Johnson & Johnson

LM Ericsson Telephone Company

Major Lindsey & Africa

Marathon Petroleum Corp.

Mylan NV

National Collegiate Athletic Association

National Congress of American Indians

National Federation of Independent Business

National Immigration Law Center

National Right to Work Legal Defense Foundation

National Telephone Cooperative Association

Netflix Inc.

New York Immigration Coalition

Nickelodeon Global Network Ventures Inc.

Pacific Legal Foundation

RLJ Lodging Trust

Remington Arms Co. LLC

### **Plans For \$4B Miami Mega-Mall Advance With Key Approvals**

Plans for the massive American Dream Miami entertainment-retail complex passed key mileposts Thursday as the Miami-Dade County Commission approved land use and zoning applications and a development agreement needed for the \$4 billion project to move forward. [Read more »](#)

### **Santa Monica Urges 9th Circ. To OK Home-Share Ordinance**

Santa Monica, California, slammed Airbnb and HomeAway's bid to nix a city ordinance requiring residents who use the home-sharing websites for short-term rentals to obtain licenses, telling the Ninth Circuit on Wednesday that the companies' argument that the Communications Decency Act preempts the ordinance is flawed. [Read more »](#)

## **EMPLOYMENT**

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### **Premium Hike May Help Save Multiemployer Funds' Safety Net**

The director of a government-run insurance fund that pays workers' retirement benefits when their employers' pension funds tank told a group of lawmakers on Thursday that multiemployer plans will need to start paying about five times more in premiums to save the fund from insolvency. [Read more »](#)

### **Workers Ask Justices To Stop Calif. Union Mediation Scheme**

Eight workers for a fruit grower asked the U.S. Supreme Court Wednesday to take up their employer's challenge to a California Supreme Court ruling upholding a state mechanism that sends union-represented farmworkers and farms to mediation if they can't reach a deal, saying it's forcing them to work under a contract they don't want. [Read more »](#)

## **CONSUMER PROTECTION**

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Sierra Club  
Sinclair Broadcast Group, Inc.  
Staples Inc.  
Starbucks Corporation  
State Bar of California  
The City University of New York  
The Walt Disney Co.  
Tribune Media Co.  
TripleFive Group of Companies  
Twilio Inc.  
Twitter Inc.  
U.S. Chamber of Commerce  
United Farm Workers  
United Nations Commission on International Trade Law  
United States Telecom Association  
United Steelworkers  
Wal-Mart Stores Inc.  
Walt Disney Parks & Resorts  
Worldwide Inc.  
Washington Post Co.  
Xerox Corporation  
Yelp Inc.

## **GOVERNMENT AGENCIES**

Bureau of Citizenship and Immigration Services  
California Natural Resources Agency  
Centers for Medicare & Medicaid Services  
Central Intelligence Agency  
Consumer Financial Protection Bureau  
Equal Employment Opportunity Commission  
European Union  
Executive Office of the President  
Federal Communications Commission

## **Bid To Undo CFPB's Payday Lending Rule Via CRA Fizzles**

Consumer advocates claimed victory on Thursday after lawmakers appeared to run out of time for passing a Congressional Review Act resolution to roll back Consumer Financial Protection Bureau restrictions on short-term, high-interest lenders. [Read more »](#)

## **INTERNATIONAL TRADE**

### **US May Revoke Thailand Tariff Cuts Following Pork Complaint**

Thailand's alleged failure to let U.S. pork producers access its market could cost it a spot on the newly reauthorized U.S. Generalized System of Preferences program, which slashes duties on imports from developing nations, the U.S. trade representative's office said Thursday. [Read more »](#)

### **Netherlands Outlines New EU Investment Pact**

The Netherlands has restructured its investment arbitration system in a draft version of its bilateral investment treaty with Slovakia, following a groundbreaking decision issued earlier in March by Europe's top court that found the old investor-state dispute resolution mechanism under the treaty to be incompatible with EU law. [Read more »](#)

## **TAX**

### **Seattle Approves Head-Tax Bill Blasted By Amazon, Starbucks**

Seattle's Democratic Mayor Jenny Durkan said she signed a bill imposing an annual \$275-per-employee tax on companies making more than \$20 million a year despite strong opposition from hometown corporate giants Amazon and Starbucks. [Read more »](#)

## **IMMIGRATION**

Federal Election Commission  
Federal Energy Regulatory Commission  
Federal Housing Administration  
Federal Trade Commission  
Food and Drug Administration  
Internal Revenue Service  
Leech Lake Band of Ojibwe  
New Jersey Attorney General's Office  
New York Attorney General's Office  
New York State Unified Court System  
Pennsylvania Department of Health  
Pension Benefit Guaranty Corp.  
Permanent Court of Arbitration  
Texas Ethics Commission  
U.S. Customs and Border Protection  
U.S. Department of Agriculture  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of Transportation  
U.S. Environmental Protection Agency  
U.S. House Committee on Energy and Commerce  
U.S. Immigration and Customs Enforcement  
U.S. Senate Committee on Indian Affairs  
U.S. Supreme Court  
World Bank Group  
World Trade Organization

### **Trump Says 'Animals' Remark Only Meant Gang Members**

President Donald Trump on Thursday tried to reframe comments he made Wednesday that referred to some immigrants as "animals," saying he really meant to use the dehumanizing term only for members of gangs, not for immigrants in general. [Read more »](#)

### **Lawmakers Urge DHS To Keep H-4 Work Authorization**

A bipartisan group of 130 lawmakers urged the U.S. Department of Homeland Security to keep in place an Obama-era rule that allows spouses of H-1B visa holders to work in the U.S., following the Trump administration's announcement that it would rescind their work authorization in June. [Read more »](#)

### **ICE, CBP Hit With Suit Over Docs On 'Matador' Initiative**

An immigrant advocacy group accused U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection in New York federal court Wednesday of refusing to hand over records relating to an anti-gang initiative known as "Operation Matador," which the group says is a pretext to target and detain immigrant youth of color. [Read more »](#)

## **NATIVE AMERICAN**

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### **Senate Panel OKs Bill To Boost Indian Country In Farm Bill**

The U.S. Senate Committee on Indian Affairs has pushed through a bipartisan piece of legislation meant to authorize greater tribal self-governance, agricultural production and more rural development opportunities and agribusiness for Native American communities, ranchers and farmers. [Read more »](#)

### **NJ Says History Shows It Never Formally Recognized Tribe**

New Jersey's attorney general on Wednesday told a federal judge that a push by the

Nanticoke Lenni-Lenape Tribal Nation for an early win on its allegations that the state improperly refused to recognize the tribe should fail, saying history proved its view of the tribe was consistent. [Read more »](#)

## TELECOMMUNICATIONS

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### Feature

#### **Debunking 5 Myths Surrounding The Net Neutrality CRA**

Senate Democrats celebrated a breakthrough Wednesday when they won passage of a resolution to preserve Obama-era net neutrality rules, but the move also prompted questions about the measure's endgame and perpetuated common myths. Here, Law360 debunks five misconceptions surrounding Wednesday's Senate vote and the current status of net neutrality. [Read more »](#)

#### **Leahy Rips Pai On Net Neutrality, Rural Broadband Coverage**

Sen. Patrick Leahy, D-Vt., tore into FCC chair Ajit Pai Thursday during a subcommittee budget hearing, criticizing his policies and allegedly contemptuous tone while asking him, unsuccessfully, to quantify how much scrapping net neutrality might spur broadband deployment in rural areas. [Read more »](#)

#### **FCC's June Meeting Will Address Broadband Subsidy Program**

At its upcoming open commission meeting, the Federal Communications Commission is expected to vote on whether certain rural broadband providers should be eligible for a break on their contributions to the Universal Service Fund, the agency said Thursday. [Read more »](#)

## WHITE COLLAR

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#### **Ariz. Men Charged With \$23M PAC Donation Scheme**



The U.S. Department of Justice unsealed a criminal complaint Thursday in Manhattan federal court, charging two Arizona men with fraud and money laundering for allegedly using nine fake political action committees to raise more than \$23 million from unsuspecting donors. Read more [1/2 B](#)

## PEOPLE

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### **Ex-US Sen. Evan Bayh Lands Cozen O'Connor Lobbying Gig**

The former U.S. senator and governor from Indiana once a stone's throw away from serving as President Barack Obama's vice president has joined Cozen O'Connor as of counsel, where he will serve as senior adviser for its lobbying wing. Read more »

## Q&A

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### Q&A

#### **A Chat With Perkins Practice Management Chief Toby Brown**

In this monthly series, legal recruiting experts at Major Lindsey & Africa interview management from top law firms about navigating an increasingly competitive business environment. Here we feature Toby Brown, chief practice management officer at Perkins Coie LLP. Read more »

## EXPERT ANALYSIS

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### **A Look Inside Trump's 4-Point Plan For Curbing Drug Prices**

President Donald Trump recently outlined his administration's plan for lowering prescription drug prices. Tom Bulleit and Kirsten Mayer of Ropes & Gray LLP break down the key proposals and assess the likely paths forward. Read more »

### **California May Pass Its Own GDPR**

If approved by voters in November, the California Consumer Privacy Act would impose

a sweeping privacy regime like the EU's General Data Protection Regulation. The act covers virtually all information a business has about a consumer, expanding far beyond traditional notions of personal information, say Purvi Patel and Alexandra Laks of Morrison & Foerster LLP. [Read more »](#)

### **Reducing Retirement Saving Barriers For Gig Workers**

Workers in the gig economy are currently not entitled to enjoy a traditional employer-based retirement plan because such plans are subject to stringent rules and only permitted to cover employees, not independent contractors. However, Congress is attempting to address this issue via the recently reintroduced Retirement Enhancement and Savings Act, says Brett Owens of Fisher Phillips. [Read more »](#)

### **Key Issues States Face In The Wake Of Sports Bet Ruling**

While the U.S. Supreme Court's decision this week removing the federal ban on sports betting may appear straightforward, the path toward regulating sports betting across the United States may be anything but simple, say attorneys with Bryan Cave Leighton Paisner LLP. [Read more »](#)

### **New Medical Marijuana Challenges For Pa. Employers**

As access to medical marijuana in Pennsylvania continues to grow — to date, 22 dispensaries have opened throughout the state — employers face fresh concerns about the impact of legalization on their operations as well as their obligations under the law, say John McDonald and Melissa Ferrara of Reed Smith LLP. [Read more »](#)

## **LEGAL INDUSTRY**

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### **Titan Of The Plaintiffs Bar: The Lanier Law Firm's Mark Lanier**

Winning a \$247 million jury verdict in a bellwether trial against Johnson & Johnson over allegedly faulty hip implants was just one of the major victories Mark Lanier of The Lanier Law Firm tallied last year, earning him a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

### **NYC Atty Threatening To Call ICE Faces Complaint From Pols**

The man who was filmed screaming at employees of a New York City restaurant for speaking Spanish, then later identified as a complex commercial and insurance coverage attorney, is facing a formal complaint filed in the state court system's Departmental Disciplinary Committee. [Read more »](#)

### **Female Law Profs To Get \$2.7M In EEOC Unfair Pay Suit**

The U.S. Equal Employment Opportunity Commission won a Colorado federal judge's approval Thursday for a deal requiring the University of Denver's Sturm College of Law to pay nearly \$2.7 million to end a suit alleging it paid female law professors less than their male counterparts. [Read more »](#)

### **Calif. Bar Warns Attys Of Fee Phishing Scam**

The State Bar of California sent out an alert Thursday warning attorneys licensed in the state to be aware of a phishing scam coming in the form of suspicious emails claiming that their fee payments to the bar are overdue. [Read more »](#)

### **Law360's Weekly Verdict: Legal Lions & Lambs**

Gibson Dunn is this week's top legal lion, securing a decision from the U.S. Supreme Court striking down a federal law that prohibited states from legalizing sports betting, while Baker McKenzie ended up on the legal lambs list after a federal judge dismissed a \$7

billion lawsuit its client, Facebook, had filed  
against the IRS. [Read more »](#)

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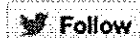
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**From:** Public Policy Law360  
**Sent:** Monday, May 21, 2018 4:07 AM  
**To:** Rep48  
**Subject:** Trump Admin. Stonewalling Attys' Probes Into Elder Abuse



Monday, May 21, 2018



## TOP NEWS

### Analysis

#### **Trump Admin. Stonewalling Attys' Probes Into Elder Abuse**

The Trump administration is hindering plaintiffs attorneys who investigate abuse and neglect of seniors by heavily redacting nursing home records and charging tens of thousands of dollars to produce such records, according to interviews, government correspondence and newly filed lawsuits. [Read more »](#)

### Feature

#### **Volume Of Undecided High Court Cases Raises Eyebrows**

Even after issuing five opinions last week, the U.S. Supreme Court still has a whopping 34 cases that need to be decided by the end of the term just over one month away, leaving court-watchers to speculate about what's been slowing things down on First Street. [Read more »](#)

### Analysis

#### **3 Things To Know About Congress' New Litigation Funding Bill**

A recent bill introduced in the U.S. Senate that sponsors say will discourage gambling by the multibillion-dollar litigation funding industry is far from the first effort to regulate private legal investors. Here, Law360 looks at three things



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### LAW FIRMS

Adduci Mastriani & Schaumberg  
Beveridge & Diamond  
Bradley Arant  
Cohen Milstein  
Covington & Burling  
Cravath Swaine  
Cullen Law Firm  
DLA Piper

that distinguish the Litigation Funding Transparency Act of 2018. [Read more »](#)

#### Analysis

### **Sanctuary Cities May Win Big With High Court Gaming Ruling**

The U.S. Supreme Court's ruling that struck down federal restrictions on sports betting turned on states' rights in a way that could have ripple effects in the ongoing debate over so-called sanctuary cities, attorneys say. [Read more »](#)

### **Farm Subsidy, Welfare Bill Tanks Over Immigration Issues**

A conservative revolt over immigration and Democratic opposition to food stamp work requirements drove the U.S. House of Representatives' effort to pass a five-year reauthorization of farm policy into the dirt Friday. [Read more »](#)

## **ENERGY & ENVIRONMENTAL**

#### Analysis

### **Trump's Fish And Wildlife Service Targets ESA Restrictions**

The U.S. Fish and Wildlife Service recently continued its shift toward more industry-friendly policies by issuing Endangered Species Act guidance that gives companies more power to decide whether they need certain permits, and now appears poised to roll back a decades-old rule that extended automatic protections to species listed as threatened. [Read more »](#)

### **House Again Mulls Bill Clearing DOJ To Sue OPEC**

Economic and antitrust experts at a House subcommittee hearing Friday largely endorsed the latest version of legislation authorizing the Department of Justice to sue OPEC for conspiring to inflate oil prices, leading to soaring gas prices for American consumers. [Read more »](#)

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Mayer Brown  
McGuireWoods  
Morgan Lewis  
Morrison & Foerster  
Nelson Mullins  
Orrick Herrington  
Pashman Stein  
Paul Hastings  
Paul Weiss  
Pepper Hamilton  
Pillsbury Winthrop  
Polsinelli  
Quinn Emanuel  
Robins Kaplan  
Shutts & Bowen  
Skadden  
Squire Patton Boggs  
Stoel Rives  
Sunstein Kann  
Troutman Sanders  
Walder Hayden  
Williams & Connolly  
WilmerHale  
Winston & Strawn

## **COMPANIES**

Actelion Ltd.  
American Bar Association  
American Civil Liberties Union

## **FERC Reins In GHG Analysis For Certain Pipeline Projects**

The Federal Energy Regulatory Commission on Friday used an order on a New York gas pipeline expansion effort to announce a policy limiting its analysis of certain projects' climate change impacts, igniting dissent by two commissioners that said the body should not regress on such an important issue. [Read more »](#)

### **Analysis**

## **Williams, Enbridge Deals Signal FERC-Driven MLP Purge**

Williams Cos. and Enbridge Inc. are exiting the master limited partnership business following the Federal Energy Regulatory Commission's revocation of a key tax benefit, and experts say they won't be the only pipeline companies to ditch the MLP model for a traditional corporate structure due to FERC's policy shift. [Read more »](#)

## **HEALTH & LIFE SCIENCES**

## **Fla. Argues To Keep Stay During Pot 'Right To Grow' Appeal**

The Florida Department of Health said Friday that a patient's request that the Florida Supreme Court allow him to grow medical marijuana while the agency appeals a ruling that he has that right is an improper appeal and would expand the court's jurisdiction "beyond its constitutional bounds." [Read more »](#)

## **IP & TECHNOLOGY**

## **Academics, Former Officials Balk At Delrahim's SEP Focus**

A group of 77 academics and former government officials told Assistant Attorney General Makan Delrahim in a letter Thursday that his stance that U.S. standard-essential patent policies hurt innovation by going too far to reduce royalties cuts against "broad

American Federation of State,  
County and Municipal Employees  
American Gaming Association  
American Health Care Association  
Apple Inc.  
Avaya Inc.  
BTI Consulting Group Inc.  
Bayer AG  
Broadcom Ltd.  
Brooklyn Defender Services  
Burford Capital LLC  
Cato Institute  
Center for Biological Diversity Inc.  
Chemonics International Inc.  
Cheniere Energy  
Chevron Corporation  
Cisco Systems Inc.  
Consumer Federation of America  
ConvergEx Group LLC  
Duquesne Light Holdings Inc.  
Dynamex, Inc.  
Enbridge  
Google Inc.  
IP Owners Association  
Immigrant Legal Resource Center  
Intel Corporation  
International Association of  
Machinists and Aerospace  
Workers  
International Business Machines  
Corporation  
Lehman Brothers Holdings Inc.  
Major League Baseball Inc.  
Mexican American Legal Defense  
and Education Fund  
NFL Enterprises LLC  
National Basketball Association  
National Collegiate Athletic  
Association

bipartisan legal and economic consensus."  
[Read more »](#)

## MEDIA & ENTERTAINMENT

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### **Sports Betting Sector Will Hinge On Cooperation, Many Say**

With the U.S. Supreme Court opening the door for states to legalize sports betting in a case fought by the NCAA and professional leagues, industry insiders say a partnership between the two sides is going to be essential for a successful betting regime to maintain integrity and compete with the underground illegal market. [Read more »](#)

## TRANSPORTATION & INFRASTRUCTURE

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### **DOT Aims To Ax Truckers' Bid To Expand Safety Records Suit**

The U.S. Department of Transportation told a D.C. federal court Thursday that independent commercial truck drivers should not be allowed to expand the scope of their suit alleging the DOT mishandled safety citation records that hurt truckers' job prospects and business reputations. [Read more »](#)

## EMPLOYMENT

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### **OSHA Floats Changes To Crane Operator Qualification Rules**

The Occupational Safety and Health Administration said Friday it is looking to make changes to the certification and evaluation process for crane operators, floating a proposal requiring additional employer evaluations and limiting lifting capacity certification provisions. [Read more »](#)

### **NJ Judges Get \$8K Pay Raise Under Law Signed By Gov.**

New Jersey judges will get annual pay increases of \$8,000 — their first raise in almost a decade — under legislation that Gov. Phil

National Congress of American Indians  
National Healthcare Corp  
New Jersey State Bar Association  
Novartis AG  
Owner-Operator Independent Drivers Association Inc.  
QUALCOMM Incorporated  
Rite Aid Corporation  
Sierra Club  
Sinclair Broadcast Group, Inc.  
Spectra Energy  
TC PipeLines LP  
The Sports Lawyers Association  
TransCanada Corporation  
Tribune Media Co.  
Twitter Inc.  
U.S. Chamber of Commerce  
Williams Partners LP  
ZTE Corp.

## GOVERNMENT AGENCIES

Centers for Medicare & Medicaid Services  
Chickasaw Nation  
Congressional Budget Office  
Consumer Financial Protection Bureau  
Department of Commerce  
European Union  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Motor Carrier Safety Administration  
Federal Trade Commission  
Fish and Wildlife Service  
Florida Department of Health  
Food and Drug Administration



Murphy signed into law Friday, the same day the state's chief justice hailed his colleagues' dedication and efforts while speaking at the state bar association convention. [Read more »](#)

## COMPETITION

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### **FCC's O'Rielly Rebukes Rumors Of Sinclair-Tribune Benefits**

In no uncertain terms, Federal Communications Commissioner Michael O'Rielly rebuked rumblings that the agency has been taking action to singularly enable Sinclair Broadcast Group's \$3.9 billion proposed acquisition of Tribune Media Co., writing in a Friday blog post that such suggestions are a "misguided fantasy? D and a "rhetorical tool" to cause divisions. [Read more »](#)

## CYBERSECURITY & PRIVACY

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### **Trump's ZTE 'Bailout' Continues To Draw Bipartisan Fire**

President Donald Trump's decision to give Chinese telecom giant ZTE Corp. a reprieve following illicit sales to Iran and North Korea continued to receive bipartisan blowback as a congressional panel voted to keep ZTE cut off from the U.S. supply chain. [Read more »](#)

## MEDICAL MALPRACTICE

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### **Judge Limits Order Barring \$200M Pa. Malpractice Fund Grab**

A Pennsylvania federal judge clarified Friday that he had not intended to scrap the state's entire fiscal code as part of his decision barring state Gov. Tom Wolf from tapping \$200 million from a publicly created medical malpractice insurer's reserves to close a budget hole. [Read more »](#)

## GOVERNMENT CONTRACTS

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Government Accountability Office  
Internal Revenue Service  
International Trade Commission  
Judicial Conference of the United States  
NAFTA  
National Marine Fisheries Service  
Occupational Safety and Health Administration  
Securities and Exchange Commission  
U.S. Agency for International Development  
U.S. Department of Health and Human Services  
U.S. Department of Justice  
U.S. Department of Transportation  
U.S. Department of the Treasury  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Senate  
U.S. Supreme Court  
U.S. Tax Court

## **USAID's \$9.5B Health Supply Contract Scrutinized By Panel**

The alleged failure of a government vendor to deliver on a \$9.5 billion medical and supply chain contract, which included distributing HIV/AIDS drugs around the world, was the focus of discussions by a House Foreign Affairs subcommittee. [Read more »](#)

## **INTERNATIONAL TRADE**

### **Near-Term NAFTA Vote Looks Grim As Talks Struggle**

A soft deadline to wrap up the North American Free Trade Agreement talks in time for a congressional vote this year came and went as a series of high-level meetings left the parties still at odds on major issues. [Read more »](#)

## **TAX**

### **Analysis**

### **Tax Canon May Ensnare If Justices Take \$199M Deduction Case**

A Third Circuit ruling on appeal to the U.S. Supreme Court that prevented an electricity supplier from claiming a double deduction on a consolidated tax return has some practitioners worried that, if accepted, the justices could solidify a stand-alone tax doctrine previously used only as a method of statutory interpretation. [Read more »](#)

### **Corp. Tax Rate Should Climb To 25%, House Democrat Says**

If Democrats win a majority in the U.S. House of Representatives this November, the Ways and Means Committee should promote legislation that would raise the corporate tax rate to 25 percent, a Democratic member of the committee told Law360 on Friday. [Read more »](#)

### **Limit Use Of TCJA Anti-Avoidance Rule, US Chamber Asks IRS**

The U.S. Chamber of Commerce asked the Internal Revenue Service to limit applying the anti-avoidance rule to only U.S. shareholders of certain foreign corporations that have benefited from a net decrease in tax liability from transactions, in correspondence sent Friday. [Read more »](#)

## IMMIGRATION

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### **No Warrant Needed For iPhone Border Probe, 4th Circ. Says**

The Fourth Circuit found Customs and Border Protection agents' reasonable suspicion of a man caught with a suitcase full of weapons parts trying to board a plane was enough to justify the forensic analysis of his iPhone, finding that no warrant was needed since the search was technically at the border. [Read more »](#)

### **Calif. Judge Urged To Block Suit Over 'Sanctuary' Policies**

A number of immigrant advocacy groups have urged a California federal judge to consider the "tragic state" of immigration detention centers in light of the U.S. Department of Justice's suit challenging statutes in California that allegedly obstruct federal immigration law enforcement. [Read more »](#)

### **Foreign Detainees Have Right To Bond Hearings, ACLU Says**

The American Civil Liberties Union on Friday told a Manhattan federal judge that foreigners detained by immigration authorities for six months or more have a constitutional right to bond hearings, arguing that Second Circuit law demands it. [Read more »](#)

## NATIVE AMERICAN

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### **House Panel OKs Tribal Victim Amendment To Bill**

The House Appropriations Committee on Thursday approved an amendment to an

appropriations bill that would keep alive funding meant to support services developed by Native American tribes to help those who have survived violent crimes, lawmakers announced. [Read more »](#)

### **US Sen. Candidate Ends Free Speech Suit Against Mass. City**

A Massachusetts man challenging Sen. Elizabeth Warren for her U.S. Senate seat has agreed to drop a lawsuit that alleged the city of Cambridge violated his right to free speech when he was told to remove a campaign sign on a bus that read "Only A Real Indian Can Defeat The Fake Indian." [Read more »](#)

## **TELECOMMUNICATIONS**

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### **Net Neutrality Vote Petition Gains Support In House**

The U.S. House of Representatives' counterpart to the net neutrality preservation legislation that squeaked by in the Senate on Wednesday is now gaining traction in the lower chamber. [Read more »](#)

## **EXPERT ANALYSIS**

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### **A Proposed Approach For High Court In Vitamin C Case**

It is safe to expect a narrow ruling from the U.S. Supreme Court in *Animal Science v. Hebei*, instructing lower courts not to give conclusive deference to foreign sovereigns' legal submissions. But it would be more sensible to instruct U.S. courts to assess whether these submissions are entitled to any deference in their country of origin and, if so, to give them that deference, say Michael Kimberly and Matthew Waring of Mayer Brown LLP. [Read more »](#)

### **Relief From CFPB's Auto Guidance May Be Short-Lived**

In a dramatic win for the auto finance industry, Congress recently voted to reverse the

Consumer Financial Protection Bureau's 2013 guidance related to fair lending and interest rates for indirect loans. However, such rollbacks may not be enough to create long-lasting regulatory relief, say attorneys with Nelson Mullins Riley & Scarborough LLP. [Read more »](#)

### **Highlights Of Proposed Medicare Payment And Policy Rules**

The Centers for Medicare & Medicaid Services recently released a deluge of proposed Medicare payment updates and policy changes for hospitals and post-acute providers. Key themes emerging from the proposal include encouraging price transparency, promoting exchange of health care data and easing the regulatory burden on providers, say attorneys with Morgan Lewis & Bockius LLP. [Read more »](#)

### **ITC's Amended Section 337 Rules Streamline Investigations**

Late last month, the U.S. International Trade Commission issued long-awaited final amendments to its Rules of Practice and Procedure pertaining to investigations under Section 337 of the Tariff Act. Jordan Coyle and Diana Szego Fassbender of Orrick Herrington & Sutcliffe LLP analyze the most significant amendments and the circumstances surrounding them, and offer key practice tips. [Read more »](#)

### **5 Questions You Should Ask About Your Global Equity Awards**

U.S. companies venturing into the world of global equity compensation confront a complex, cross-border web of rules and regulations. Victoria Ha and William Woolston of Covington & Burling LLP highlight five critical questions that can help U.S. companies navigate common legal pitfalls, with a focus on some of the most rapidly evolving areas of law. [Read more »](#)

LEGAL INDUSTRY

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Feature

### **Bharara, Rosenstein & Hill On What Law Grads Need To Know**

The 2018 law school commencement season is underway, and keynote speakers at academic institutions across the country have sought to impart lasting advice to new grads. Here, five high-profile lawyers, including Preet Bharara, Rod Rosenstein and Anita Hill, shared their advice for improving local communities and the world, guidance which even seasoned attorneys may be able to apply to their own careers. [Read more »](#)

### **NJ Federal Judge Shortage Continues, Chief Jurist Says**

The judicial shortage in New Jersey federal court continues, with no appointments by President Donald Trump on the horizon, leaving a mounting caseload for a short-staffed bench spanning three outposts throughout the state, U.S. District Judge Jose J. Linares told his colleagues on Friday at the state bar association's convention in Atlantic City. [Read more »](#)

Feature

### **GC Cheat Sheet: The Hottest Corporate News Of The Week**

The general counsel of Novartis stepped down in the wake of news reports that the pharmaceutical company paid a business owned by President Donald Trump's personal lawyer, and GCs ranked the firms they think have the strongest brands. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

### **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

Podcast

## **Law360's Pro Say: Is Sports Betting Coming To Your State?**

On the latest episode of Law360's Pro Say podcast, we tell you what you need to know about the U.S. Supreme Court's sports betting ruling; break down the latest battle in Apple and Samsung's smartphone patent war; discuss law schools demanding answers from BigLaw about the use of nondisclosure agreements; and talk about a woman who took a painful toilet tumble. Read more = 2

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Washington DC, District of Columbia

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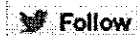
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**From:** Public Policy Law360  
**Sent:** Wednesday, May 23, 2018 5:12 AM  
**To:** Rep48  
**Subject:** Gorsuch, Ginsburg Go To Mat Again In Class Waiver Case



Wednesday, May 23, 2018



## TOP NEWS

### Feature

#### **Gorsuch, Ginsburg Go To Mat Again In Class Waiver Case**

U.S. Supreme Court Justice Neil Gorsuch has once again delivered a 5-4 majority opinion over a vigorous dissent from his liberal colleague Justice Ruth Bader Ginsburg, this time clashing in a high-profile dispute over arbitration clauses protecting businesses from worker class actions. [Read more »](#)

### Analysis

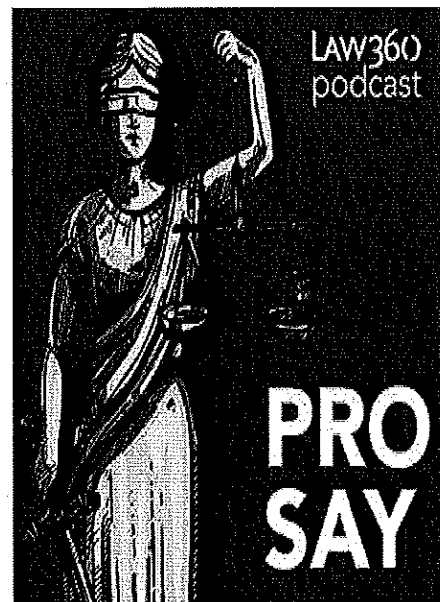
#### **3 Reasons The Epic Systems Ruling Won't Sink #MeToo**

Although the U.S. Supreme Court's blockbuster Epic Systems ruling that gave businesses a green light to use employment contracts to bar workers from bringing class actions will have a far-reaching impact on employment law, attorneys say it won't significantly reduce the volume of sexual harassment cases that arise as part of the #MeToo movement. [Read more »](#)

### Analysis

#### **City-Industry Rifts Mire FCC Panel's Bid To Grease 5G**

When FCC chairman Ajit Pai announced a new task force last year, he optimistically billed it as a way to break down local regulatory hurdles



[Listen to our new podcast here](#)

### LAW FIRMS

Alston & Bird  
Anthony Kennedy PC  
BakerHostetler  
Baldwin Crocker  
Bayard PA  
Bernstein Shur  
Blank Rome  
Browne George



slowing the rollout of new 5G technology. But a year and half after its formation, the panel is facing many roadblocks of its own. Read more »

#### Analysis

### **Construction Industry Anxious For Water Rule Saga To Dry Up**

The construction industry spends huge amounts of time and money on all kinds of permits to complete a project, and few pose bigger headaches than those triggered when the federal government determines that a project affects water bodies protected by the Clean Water Act § 4 making the Trump administration's attempt to clear up the issue a top concern. Read more »

### **UPS Loses Challenge Of Postal Shipping Costs Rule**

UPS can't unwind new federal rules on consumer shipping costs after the D.C. Circuit found Tuesday that the Postal Regulatory Commission hadn't overstepped its bounds in excluding some of the U.S. Postal Service's costs from its math. Read more »

## **BANKING & SECURITIES**

### **House Sends Dodd-Frank Banking Rule Rollback To Trump**

The U.S. House of Representatives on Tuesday passed a major rollback of Dodd-Frank rules, sending a package of financial industry changes that backers say cut costly and burdensome regulations to President Donald Trump, who has indicated his support for the measure. Read more »

## **ENERGY & ENVIRONMENTAL**

### **5th Circ. Tosses Houston Residents' Suit Over Flooding**

A group of Houston residents can't revive claims that a city tax reinvestment zone led to street and drainage projects in their area that

Bryan Cave  
Cleary Gottlieb  
Cravath Swaine  
Duane Morris  
Eagan Avenatti  
Fair Work PC  
Fish & Richardson  
Gibson Dunn  
Harman Claytor  
Harris Wiltshire  
Hawke McKeon  
Hogan Lovells  
Holland & Knight  
Javerbaum Wurgaft  
King & Spalding  
Kirkland & Ellis  
Morgan Lewis  
Morris Nichols  
Morrison & Foerster  
Native American Rights Fund  
Norton Rose Fulbright  
Pachulski Stang  
Perkins Coie  
Phillips Lytle  
Potter Anderson  
Proskauer Rose  
Quinn Emanuel  
Reed Smith  
Rosette LLP  
Sanford Heisler  
Schiff Hardin  
Schwartz Perry & Heller  
Skadden  
Squire Patton Boggs  
SulmeyerKupetz  
Taft Stettinius  
Venable LLP  
WilmerHale

caused their homes to flood during periods of heavy rainfall, the Fifth Circuit held Tuesday. [Read more »](#)

### **Minn. Gov. Vetoes Bill To Greenlight Pipeline Project**

Minnesota Democratic-Farmer-Labor Party Gov. Mark Dayton has refused to sign a bill that would authorize the company behind a pipeline replacement project to go ahead with construction across the northern part of the state, saying the legislation would nullify a process to see if the project is necessary for the state. [Read more »](#)

### **Water Infrastructure Bill Sails Through Senate Panel**

The Senate Committee on Environment and Public Works on Tuesday unanimously passed a bipartisan water infrastructure bill that is meant, among other things, to slash red tape, boost state and local input on projects, increase water storage, deepen key ports and extend funding for Native American irrigation initiatives. [Read more »](#)

## **HEALTH & LIFE SCIENCES**

### **Researchers Can't Sell Medical Marijuana, Pa. Judge Says**

Temporary regulations allowing medical marijuana researchers to produce and sell products were preliminarily blocked Tuesday by a Pennsylvania judge, who sided with a group of growers and distributors in saying the state's Medical Marijuana Act did not appear to intend for research facilities to engage in commercial distribution. [Read more »](#)

### **9th Circ. Urged To Keep ACA Birth Control Rules Blocked**

The states of California, Delaware, Maryland, New York and Virginia told the Ninth Circuit on Monday that a California federal judge was right to block Trump administration rules letting employers forgo covering birth control under

## **COMPANIES**

AARP Inc.  
AT&T Inc.  
Amazon.com Inc.  
American Cancer Society Inc.  
American Civil Liberties Union  
American Council of Life Insurers  
American Federation of Labor and Congress of Industrial Organizations  
American Legislative Exchange Council  
American Road & Transportation Builders Association  
American Trucking Associations Inc.  
CardioNet, Inc.  
Carlyle Group LP  
Cato Institute  
DISH Network Corporation  
Enbridge  
Epic Systems Corp.  
Google Inc.  
Lockheed Martin  
Lyft Inc.  
Microsoft Corporation  
National Association of Home Builders  
National Association of Realtors  
Northrop Grumman Corporation  
Prime Inc.  
R-T Specialty LLC  
Sinclair Broadcast Group, Inc.  
Textron Inc.  
The Boeing Company  
Tribune Media Co.  
Twitter Inc.  
U.S. Chamber of Commerce  
Uber Technologies Inc.

the Affordable Care Act by claiming moral or religious opposition to its use. [Read more »](#)

### **House Sends 'Right To Try' Treatments Bill To Trump**

The House of Representatives sent a bill to President Donald Trump on Tuesday that would greatly increase the "right to try" experimental treatments under current U.S. Food and Drug Administration rules, which backers claim would help bring hope to otherwise terminally ill patients. [Read more »](#)

## **IP & TECHNOLOGY**

### **House Bill Would Extend USPTO's Fee-Setting Power**

Two members of the U.S. House of Representatives introduced legislation Tuesday that would allow the U.S. Patent and Trademark Office to retain its fee-setting authority, which is set to expire in September, mirroring a bill introduced in the Senate in March. [Read more »](#)

### **Iancu Defends AIA Claim Construction Plan To Congress**

U.S. Patent and Trademark Office Director Andrei Iancu said at a House Judiciary Committee hearing Tuesday that a planned change to the claim construction standard for America Invents Act reviews will increase consistency and efficiency, defending the move to lawmakers who expressed concern about it. [Read more »](#)

## **EMPLOYMENT**

### **5th Circ. Axes States' Bid To Revive DOL Fiduciary Rule Suit**

The Fifth Circuit on Tuesday deflated workers' advocates' hopes that a trio of states could rally to save the U.S. Department of Labor's fiduciary rule, with the court striking down an attempt by the California, Oregon and New

United Parcel Service Inc.  
United Technologies Corporation  
Verizon Communications  
Villanova University  
ZTE Corp.

## **GOVERNMENT AGENCIES**

Army Corps of Engineers  
Bureau of Citizenship and Immigration Services  
Bureau of Indian Affairs  
Bureau of Reclamation  
Department of Commerce  
Eastern Shoshone Tribe  
Employee Benefits Security Administration  
Equal Employment Opportunity Commission  
European Commission  
European Union  
Federal Communications Commission  
Federal Reserve System  
Federal Trade Commission  
Food and Drug Administration  
Internal Revenue Service  
Leech Lake Band of Ojibwe  
NAFTA  
National Labor Relations Board  
New Jersey Legislature  
New York Attorney General's Office  
Northern Arapaho Tribe  
Omaha Tribe of Nebraska  
Pennsylvania Department of Health  
Postal Regulatory Commission  
Securities and Exchange Commission  
U.S. Army

York attorneys general to revive litigation over the retirement-savings rule. [Read more »](#)

### **Groups Back Trucking Co.'s High Court Arbitration Bid**

A trucking industry lobbying group, a D.C. think tank and a Boston public-interest law firm urged the U.S. Supreme Court on Monday to compel arbitration in a class action accusing New Prime Inc. of failing to pay independent contractor truck-driver apprentices a proper minimum wage. [Read more »](#)

### **Contractor Registration Bill Passes NJ Labor Committee**

A New Jersey bill aimed at expanding when public works contractors must register with the state under the Public Works Contractor Registration Act has passed the New Jersey Senate Labor Committee, Democratic lawmakers said Tuesday. [Read more »](#)

## **COMPETITION**

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### **FCC Opens Comment Period On Sinclair-Tribune Merger**

The Federal Communications Commission has announced it is moving forward with a public comment period on Sinclair Broadcast Group Inc.'s \$3.9 billion proposed acquisition of Tribune Media Co., setting the stage for the next phase of the controversial merger. [Read more »](#)

## **AEROSPACE & DEFENSE**

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### **Defense Industrial Base Faces Significant Risks, DOD Says**

The defense industrial base faces a number of challenges that threaten its health, including skill loss, fluctuating demand and dependency on foreign sources, although the impact varies by industry sector, according to a U.S. Department of Defense report made public Monday. [Read more »](#)

U.S. Attorney's Office  
U.S. Census Bureau  
U.S. Customs and Border Protection  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House Committee on Energy and Commerce  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Patent and Trademark Office  
U.S. Postal Service  
U.S. Senate  
U.S. Supreme Court  
United Nations  
Wage and Hour Division  
Wyoming Attorney General's Office

## INTERNATIONAL TRADE

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### **Europe Eyeing Asia-Pacific Inroads Amid US Standstill**

European Union leaders gave the bloc the green light to pursue new trade deals with Australia and New Zealand on Tuesday and stressed the importance of linking up with the two powerful members of the Trans-Pacific Partnership, the Obama-era trade deal that the Trump administration has left in the dust. [Read more »](#)

## TAX

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### **IT Spending Plan To Be Ready Within 90 Days, Treasury Says**

The U.S. Department of the Treasury will provide a five-year plan to lawmakers within 90 days that will outline the department's plan to invest in information technology upgrades, Treasury Secretary Steve Mnuchin said Tuesday. [Read more »](#)

## IMMIGRATION

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### **Ala. Sues Over Census Counting Unauthorized Immigrants**

The state of Alabama sued the Commerce Department and the Census Bureau on Monday over the federal government's policy of including immigrants unauthorized to be in the United States as part of census tallies, alleging that the policy violates the Constitution. [Read more »](#)

### **ICE Chief Pushes For Clamp Down On Border Crossings**

U.S. Immigration and Customs Enforcement chief Thomas Homan urged Congress on Tuesday to adopt stricter enforcement policies to discourage unauthorized border crossings, echoing U.S. Attorney General Jeff Sessions' recent assertion of a "zero-tolerance" policy at the border. [Read more »](#)

## NATIVE AMERICAN

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### **Feds, Wyo. Urge Justices To Spurn Tribes' Land Suits**

The federal government and the state of Wyoming have urged the U.S. Supreme Court to reject challenges to a Tenth Circuit ruling that the Eastern Shoshone and Northern Arapaho tribes' shared reservation was shrunk by a 1905 law, saying the case doesn't present a circuit split or conflict with high court precedent. [Read more »](#)

## TELECOMMUNICATIONS

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### **Poor Families Need 'Kid Vid' Programming Rules, Dems Say**

A group of Democratic senators has urged the Federal Communications Commission to keep intact its rules governing children's educational programming, saying that low-income households still rely on the free, over-the-air "kid vid" content amid a proliferation of streaming services and other online video sources. [Read more »](#)

### **FCC Says Justices Need Not Review Spectrum Discount Row**

The Federal Communications Commission has urged the U.S. Supreme Court to reject a certiorari petition from two telecom companies that claim they were wrongly denied spectrum license discounts, saying ongoing proceedings the companies themselves requested could render the case moot. [Read more »](#)

### **Sens. Whose IDs Used In Fake FCC Posts Tell Pai To Fix Site**

Two senators, one from each party, have told Federal Communications Commission Chairman Ajit Pai to fix a public commenting system that has let bots produce millions of fraudulent comments under stolen identities — including the identities of the senators themselves. [Read more »](#)

## CIVIL RIGHTS

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### **Va. School Can't Shake Trans Student's Bathroom Bias Suit**

A Virginia school board that created a policy aimed at keeping a transgender student from using restrooms that match his gender identity will have to face his discrimination claims that made it all the way to the U.S. Supreme Court and back, a federal judge ruled Tuesday. [Read more »](#)

## EXPERT ANALYSIS

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### **Shareholder Arbitration Issue Isn't Going Away**

In a recent letter to a member of Congress, U.S. Securities and Exchange Commission Chairman Jay Clayton said that he hasn't decided whether mandatory arbitration of shareholder disputes is appropriate, and that exploring the idea is not a priority for him. However, I believe the issue is going to require commission action sooner rather than later, says Kevin LaCroix of RT ProExec. [Read more »](#)

### **Hidden Challenges In Applying New DOL Break Time Guidance**

The U.S. Department of Labor recently released an opinion letter that says breaks taken as part of intermittent leave under the Family and Medical Leave Act do not need to be compensated. However, it contains a troublesome caveat that threatens to destroy any clarity the letter might otherwise bring to the analysis, says Kevin Johnson of Johnson Jackson LLC. [Read more »](#)

### **Health Tech Is The New Focus For Cybersecurity Policy**

Over the last year, government reports, enforcement actions and new regulatory proposals have thrown health care technology into the limelight. While the Health Insurance Portability and Accountability Act is already

one of the country's most robust privacy and security laws, the government is seeking to fill some significant gaps in regulation, says Elliot Golding of Squire Patton Boggs. [Read more »](#)

## LEGAL INDUSTRY

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### Analysis

#### **Del. Faces IP Surge, Bench Gaps On TC Heartland's Birthday**

One year after the U.S. Supreme Court's TC Heartland ruling steered hundreds of new patent cases to Delaware from Texas and other states, federal judges and attorneys are patently scrambling to manage the surge with fewer resident judges. [Read more »](#)

#### **New England's Bernstein Shur Updates Parental Leave Policy**

New England-based law firm Bernstein Shur Sawyer & Nelson PA said Tuesday it has implemented a new parental leave policy that allows 16 weeks of paid leave for attorneys regardless of their gender, making no distinction between primary and secondary caregivers. [Read more »](#)

#### **King & Spalding Draws Rebuke In Bid To Toss Firing Suit**

A New York federal judge on Tuesday rejected King & Spalding LLP's bid to escape allegations it fired an associate for raising ethical concerns about two partners, saying at a hearing she found it "incredibly hard" to buy the firm's stated reasons for terminating him. [Read more »](#)

#### **Eagan Avenatti Owes Ex-Partner \$10M From Bankruptcy Deal**

A California bankruptcy judge on Tuesday entered a \$10 million judgment against defunct class action law firm Eagan Avenatti LLP — which is owned by Michael Avenatti, the attorney representing adult film actress Stormy Daniels in her legal battle against President Donald Trump — finding the firm defaulted on



its bankruptcy-resolving settlement with a former partner over allegedly unpaid fees. [Read more »](#)

### **NY Lawmakers Tap Interim AG Underwood To Finish Term**

Acting New York Attorney General Barbara D. Underwood was tapped Tuesday by the state legislature to serve out the remainder of Eric Schneiderman's term after he resigned earlier this month amid allegations of physical abuse by four women. [Read more »](#)

### **Legal Tech Download: Reed Smith, Norton Rose, Bryan Cave**

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at six recent developments. [Read more »](#)

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Lincoln Financial Group

Washington DC, District of Columbia

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Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

**From:** Ohio Arts Council

**Sent:** Thursday, May 24, 2018 10:08 AM

**To:** Rep48

**Subject:** May | Governor's Awards Photos, Individual Excellence Awards & more

Keep up to date on Ohio Arts Council news, grant deadlines, and more.

[View this email in your browser](#)

Share your story with #ArtsOhio



**OHIO CELEBRATES, WORKS, AND  
NEVER RESTS ON OUR LAURELS**



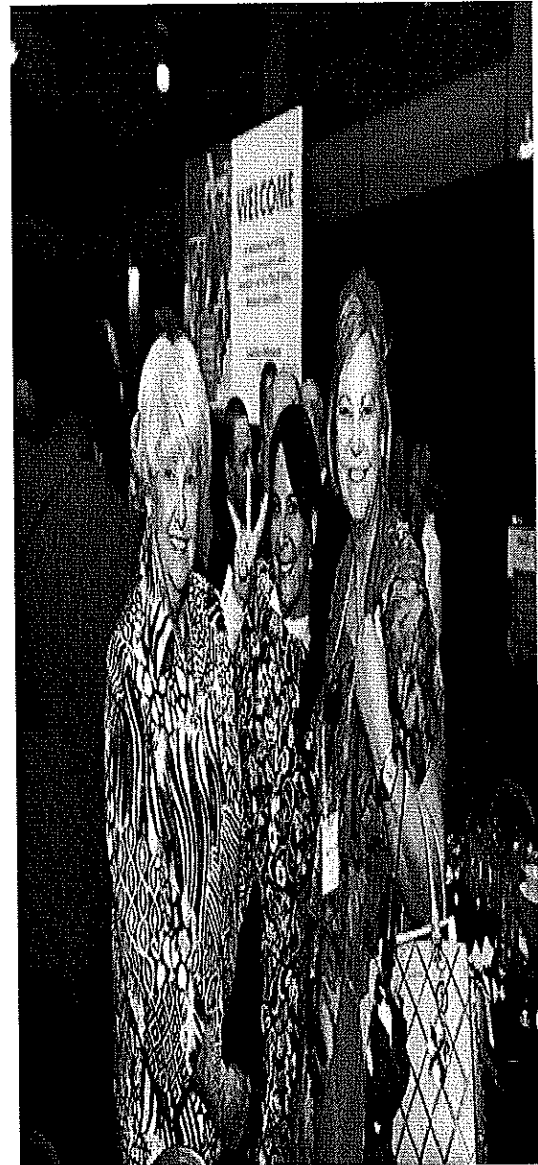
*2018 Governor's Award for Community Development and Participation winner Sierra Leone and Ohio Arts Council Executive Director Donna S. Collins.*

In this month's Message from the Executive Director, Donna S. Collins discusses the 2018 Governor's Awards for the Arts in Ohio, the National Endowment for the Arts, and more agency updates.

**READ DONNA'S MESSAGE**

**THANK YOU FOR A FANTASTIC  
GOVERNOR'S AWARDS CELEBRATION!**





Congratulations to the nine winners who were honored for their contributions to the arts in Ohio at the annual Arts Day & Governor's Awards luncheon and awards ceremony on May 16 at the Columbus Athenaeum!

**[WATCH THE FULL PROGRAM HERE](#)**

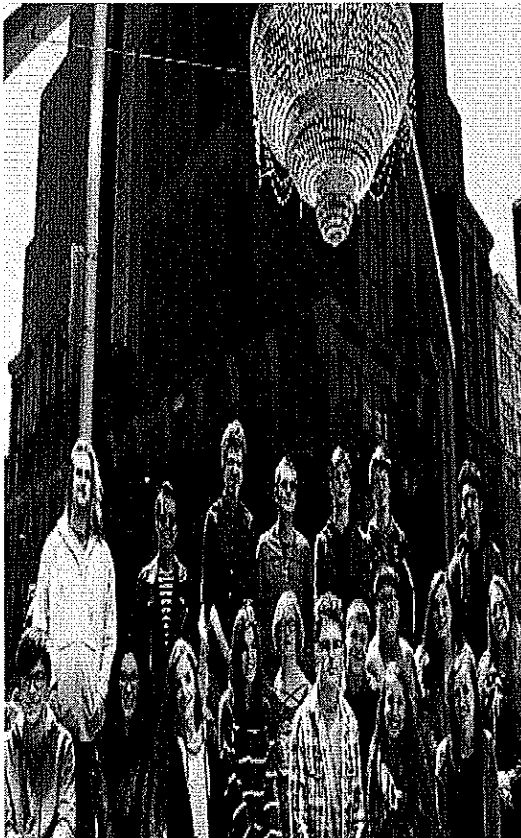


**National  
Endowment  
for the Arts**  
arts.gov

## **OHIO RECEIVES SECOND- LARGEST NEA PARTNERSHIP AGREEMENT GRANT FOR 9TH STRAIGHT YEAR**

The OAC received \$995,800 to help support arts initiatives throughout the state.

[READ MORE](#)



## **STUDENT-COMPOSED SONGS SING SUCCESS OF TEACHING ARTIST RESIDENCY**

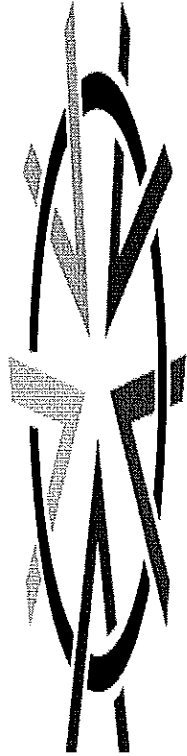
As part of a TeachArtsOhio teaching artist residency, the Midview High School songwriting class has been working with Cleveland songwriter Brent Kirby to produce "Living in the Moment," a CD featuring six songs written entirely by the students.

[READ MORE](#)

## OHIO ARTISTS RECEIVE INDIVIDUAL EXCELLENCE AWARDS

Board members of the Ohio Arts Council approved Individual Excellence Awards for state fiscal year 2018 during a public meeting on April 25. The awards recognize creative artists for the exceptional merit of a body of their work that advances or exemplifies the discipline and the larger artistic community.

[READ MORE](#)



**Ohio Arts**  
**COUNCIL** A STATE AGENCY SUPPORTING  
ARTS AND CULTURE

---

**WATCH: HIGH SCHOOL ARTISTS DISCUSS WORK  
FEATURED IN OHIO HOUSE OF REPRESENTATIVES  
EXHIBITION**



**WATCH THE VIDEO**





## **KENNEDY HEIGHTS COMMUNITY COUNCIL HONORS TUSKEGEE AIRMAN THROUGH ARTWORK**

This summer, a monument commemorating Lt. John H. Leahr, a member of the Tuskegee Airmen from Kennedy Heights, Ohio, will be unveiled outside of the Kennedy Heights Arts Center.

[READ MORE](#)



## **MEET KATHY SIGNORINO, ARTIST PROGRAMS/PERCENT FOR ART COORDINATOR**

A lover of spreadsheets, fine arts, and cats, you can find Kathy Signorino at her desk in the Ohio Arts Council's Individual Artist office or traveling around the state for the Ohio Percent for Art program. Learn more about Kathy in this month's Meet the Staff Q&A.

[READ MORE](#)



# Art & Accessibility

## **Art & Accessibility Tip #9: What to know when writing about disability**

When writing about people with disabilities, do you ever wonder if you're saying the "right thing"? The [National Center on Disability and Journalism](#) has a [Disability Language Style Guide](#) to assist you in writing. And remember: When in doubt, put the person first.

For more accessibility ideas from local, regional, or national websites, contact Kim Turner, the accessibility coordinator at the Ohio Arts Council, at [kim.turner@oac.ohio.gov](mailto:kim.turner@oac.ohio.gov).

*The Ohio Arts Council believes that everyone has the right of equal access to the arts. Each month, the ArtsOhio newsletter includes an accessibility tip for arts organizations. For additional accessibility resources, visit [oac.ohio.gov/About/About-the-Council/Accessibility](http://oac.ohio.gov/About/About-the-Council/Accessibility).*

**ON VIEW**

Riffe Gallery  
OHIO ARTS COUNCIL

# WOMEN TO WATCH OHIO - 2018

A collaboration with the Ohio Advisory Group of the  
National Museum of Women in the Arts

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MAY 3 - JULY 7, 2018



## **WOMEN TO WATCH OHIO - 2018**

**May 3 - July 7, 2018**

*Women to Watch Ohio – 2018* showcases the work of 10 Ohio women working with metal through sculpture, installation, jewelry, and two-dimensional works. The exhibition is developed in collaboration with the Ohio Advisory Group of the National Museum of Women in the Arts and is curated by Ann Bremner and Matt Distel. This is the second *Women to Watch Ohio* exhibition initiated by the Ohio Advisory Group and the first to encompass mid-Ohio as well as the northeast and southwest regions of the state.

**[READ MORE](#)**

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**COMING SOON**

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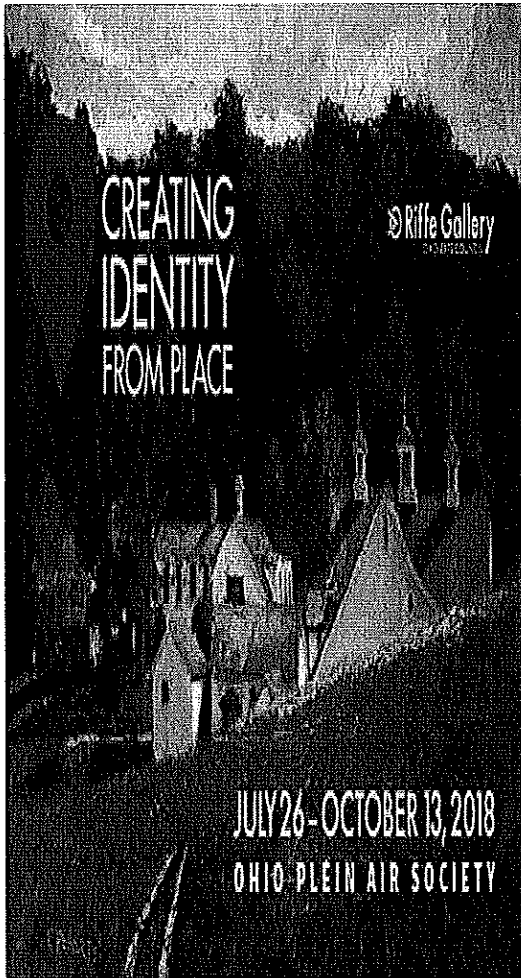
**LOBBY EXHIBITION:  
ACCESSIBLE EXPRESSIONS  
OHIO, VSA OHIO**

**June 13 - July 11, 2018**

Started in 1996, *Accessible Expressions Ohio* is an adjudicated, statewide exhibition and tour of visual art for artists of all ages with disabilities. This professional development opportunity helps raise awareness about art and disability by presenting the art in inclusive settings.

**[READ MORE](#)**





## CREATING IDENTITY FROM PLACE

**July 26 - October 13, 2018**

*Creating Identity from Place: Ohio Plein Air Society* is an exhibition of 73 paintings and drawings created from direct observation in nature. Curated by Artistic Director Charlotte Gordon, Southern Ohio Museum, this exhibition of Midwestern landscapes is a reflection on the everyday beauty of Ohio.

[READ MORE](#)

**FOR ORGANIZATIONS | Grants & Opportunities**

**JUNE 1: Capacity Building, Building Cultural Diversity, and Artists with Disabilities  
Access Program (ADAP) Grant Applications Due**

The Capacity Building program supports organizations' efforts to improve business practices or add new knowledge and skills that forward organizations' missions. Awards may fund technical assistance projects, planning or evaluation work, staff professional development opportunities, or other initiatives that upgrade an organization's ability to do what they do.

[READ MORE](#)

The Building Cultural Diversity program supports new and emerging organizations whose mission, programs, staff, and board represent culturally diverse communities. Awards support arts programming and projects that celebrate communities' unique arts and culture or preserve a culturally significant artistic tradition or practice.

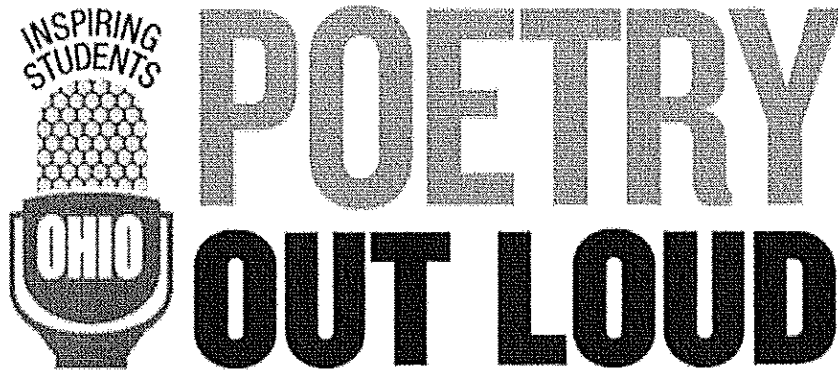
[READ MORE](#)

ADAP provides funding that gives individual artists with disabilities—and organizations that serve them—the resources they need to further their artistic development. ADAP awards help artists with disabilities advance their artistic practices, making Ohio a more accessible and inclusive place to build an artistic career.

[READ MORE](#)

**CONTACT:** [Brianna Dance](#) and [Jim Szekacs](#), Organizational Programs Coordinators

**FOR STUDENTS AND EDUCATORS | *Poetry Out Loud***



**Poetry Out Loud Registration is Now Open**

Ohio Poetry Out Loud registration is open for the 2018-19 competition! Poetry Out Loud encourages students to learn about great poetry through memorization and recitation.

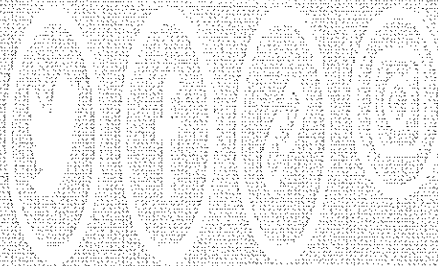
**REGISTER TODAY**

**CONTACT:** Chiquita Mullins Lee, Arts Learning Coordinator

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*Image credits: 1) 2018 Governor's Award for Community Development and Participation winner Sierra Leone and Ohio Arts Council Executive Director Donna S. Collins, photo by Terry Gilliam; 2) 2018 Governor's Awards winners, (left) Crystal Michelle, Ro Nita Hawes-Saunders, Amy Held, Ricardo Averbach, Sierra Leone, Scott McComb, Marsha Dobrzynski, Howard Parr, Mimi Rose, Stuart Rose, David Mitzel, photos by Terry Gilliam; 3) National Endowment for the Arts logo; 4) "Living in the Moment" album cover, photo courtesy of Justin Caithaml, Midview Local Schools; 5) Ohio Arts Council logo; 6) Ohio House of Representatives Student Art Exhibition video screenshot; 7) Lt. John Lehr memorial concept sketch, photo courtesy of Jarrett Hawkins; 8) Meet the Staff graphic; 9) Art and Accessibility graphic; 10) Women to Watch Ohio - 2018 post card, image credit: Carol Boram-Hays, WHOOSH (detail), 2017, steel, duct tape, 114" x 80" x 48"; 11) Kerri Applin, Grandpa's Flapjacks, air dry clay, acrylic paint; 12) Robin Roberts, An Evening at Malabar Farm, 2016, Oil on canvas, 15 1/2" x 19 1/2"; 13) Ohio Poetry Out Loud logo*





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You are receiving the monthly ArtsOhio newsletter because you signed up on the Ohio Arts Council website, through social media, or in-person at the Ohio Arts Council's Riffe Gallery.

Ohio Arts Council  
30 East Broad Street, 33rd Floor  
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**From:** MPEN Ohio  
**Sent:** Wednesday, May 30, 2018 10:55 PM  
**To:** Rep48  
**Subject:** MPEN e-Newsletter No. 2018-05-30 for Ohioans

**MPEN e-Newsletter No. 2018-05-30, for Ohioans**

- (June 4) FW: SPAN-Ohio event
- (June 13) FW: Law Enforcement Recruiting Fair
- FW: [DaytoniansAgainstWarNow] Dems Help Pass Huge Military Budget
- FW: I'll be blunt - National Democratic Redistricting Committee
- FW: Her hips don't lie, and neither does her voice for justice
- FW: Trump's military parade BLOCKED
- FW: Tell bishops: Stop promoting "recovery" from homosexuality
- FW: An inside job:
- FW: The Social Shaming of Racists Is Working

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**From:** SPAN Ohio  
**Subject:** Join Us June 4th

**Join Us June 4<sup>th</sup>**

SPAN Ohio is collaborating with **The Poor People's Campaign: A National Call for Moral Revival**. We are engaged in 40 days of action that began May 14<sup>th</sup> and continues until June 23<sup>rd</sup> when there will be a Global Day of Solidarity and Sending Forth Call to Action Mass rally in Washington, DC.

Each week has a different theme and the theme for June 4<sup>th</sup> is **The Right to Health and a Healthy Planet: Ecological Devastation and Healthcare**.

Our plan is to set up a display called Eyes Wide Open Healthcare on the Statehouse grounds. The display consists of religious symbols from all major world religions and those symbols represent those who have died because they cannot access or afford health care.

We will have some speakers and then engage in Non-Violent, Moral Fusion Direct Action. Yes, this is another name for Civil Disobedience. So, the question is, why?

Actions like ours are taking place in 35 states at the same time. If we have a peaceful assembly at the statehouse and go home, it might get a mention on the evening news. If people get arrested in Columbus and in other state capitols, it becomes big news.

No one is required to participate in the Civil Disobedience. This is strictly a matter of choice. The Direct Action for June 4<sup>th</sup> is to enter the Statehouse, go to the Rotunda and conduct a die in. There is no guarantee of arrest, but it does help make a point.

**June 4, 2018**

11:00 am — Training (required) for those participating in Direct Action  
Trinity Episcopal Church, 125 E. Broad Street, Columbus  
(across 3<sup>rd</sup> Street from the Statehouse)

2:00 pm – 4:00 pm — Rally and Action at the Statehouse on the High Street side

We hope to see you there. If you can help set up the display, please be at the Statehouse by 12:30 pm. If you have other questions, please contact State Director Debbie Silverstein at [span@spanohio.org](mailto:span@spanohio.org)

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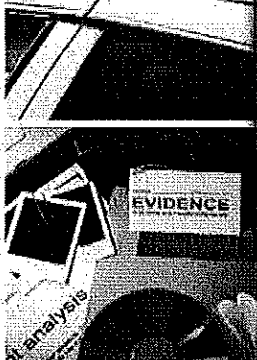
**From:** Cheryl Scroggins

**Subject:** FW: Law Enforcement Recruiting Fair

**If interested, please attend the Recruitment Fair:**

June 13, 2018, 9:00 a.m. – Noon  
Cuyahoga Community College/West Campus Gym  
11000 Pleasant valley Road, Parma, OH 44130





Protecting Ohio's Families

# Law Enforcement Recruiting Fair

**Presented by Ohio Attorney General Mike DeWine and the Ohio Peace Officer Training Commission in partnership with Cuyahoga Community College**

**The recruiting fair is for:**

- Those interested in becoming peace officers.
- Peace officers who would like to work as Ohio Peace Officer Training Academy (OPOTA) instructors.
- Anyone who wishes to seek employment opportunities in the Ohio Attorney General's Office.
- Basic training commanders and agency recruiters.

Recruiters representing police academies, law enforcement agencies, and the Ohio Attorney General's Office will be in attendance.

**Date:** June 13, 2018  
**Time:** 9 a.m. to noon  
**Location:** Cuyahoga Community College Western Campus Gymnasium  
 11000 Pleasant Valley Road  
 Parma, Ohio 44130

**Presentations**

**Session 1:** The police academy and entrance requirements  
**Session 2:** Positioning for advancement; becoming an OPOTA instructor  
**Session 3:** Opportunities in the Ohio Attorney General's Office

*To sign up for the event, visit [www.OhioAttorneyGeneral.gov/Law-Enforcement](http://www.OhioAttorneyGeneral.gov/Law-Enforcement). For more information, email Tony Ortiz at [Luis.Ortiz@OhioAttorneyGeneral.gov](mailto:Luis.Ortiz@OhioAttorneyGeneral.gov).*

 **MIKE DEWINE**  
OHIO ATTORNEY GENERAL

[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)



**From:** Daytonians Against War Now (DAWN) on behalf of Logan Martinez  
**Subject:** [DAWN] Dems Help Pass Huge Military Budget

### **Dems Help Pass Huge Military Budget**

Jessica Corbett; Common Dreams

*131 House Dems Help GOP Pass Massive Pentagon Budget That Includes Billions for Expanded Nuclear Arsenal "Instead of a blueprint for peace and security, this NDAA continues the practice of endless war with no input or oversight from our congressional leaders," lamented Rep. Barbara Lee (D-Calif.)*

While the world responds with alarm over President Donald Trump's spontaneous **decision** to cancel diplomatic talks with North Korea scheduled for next month—

which aimed to ease rising nuclear tensions—**131 Democrats** in the U.S. House joined with the overwhelming majority of Republicans to pass a \$717 billion Pentagon spending bill that includes massive expansion of the U.S. nuclear arsenal.

The National Defense Authorization Act (NDAA) for fiscal year 2019 authorizes the development of new low-yield submarine-launched nuclear warheads that the Trump administration **demand**ed in its Nuclear Posture Review (NPR), which was released in February and denounced by disarmament advocates as "radical" and "extreme."

On Thursday, anti-war activists and lawmakers shamed the Democrats who voted with the GOP to approve the military spending bill, and warned of its consequences. Rep. John Garamendi (D-Calif.), **according to Politico**, said the measure "pushes us even further and faster down the path to war, toward a new nuclear arms race."

"Does it make us safer to have a low-yield nuclear weapon on one of our submarines?" Garamendi posed. "Probably not."

"The U.S. spends more on defense than the next eight countries combined," noted Rev. Shawna Foster of About Face: Veterans Against the War. Meanwhile, veterans across the U.S. continue to suffer, and "the State Department is underfunded, showing very little is prioritized in diplomatic solutions that would prevent more of our young people from going to war. We have to turn this around now."

In addition to allocating \$22 billion toward U.S. nuclear weapons programs and \$69 billion for U.S. war efforts, the legislation approves the purchase of more than 70 F-35 fighter jets, the addition of 16,000 active-duty personnel, and Trump's request for a 2.6 percent pay raise for the military, the biggest increase in nine years.

"Instead of a blueprint for peace and security, this NDAA continues the practice of endless war with no input or oversight from our congressional leaders," lamented Rep. Barbara Lee (D-Calif.), one of 59 Democrats who voted against the bill. "It fails to compel any debate or vote in Congress on our endless wars. And it continues the shameful practice of budgeting our wars off the books with the unaccountable Overseas Contingency Operation (OCO) slush fund."

"The overwhelming cost of unnecessary and aggressive military invasions could be better spent at home meeting human needs," suggested Michael McPhearson of Veterans for Peace. "As veterans we know that our positions are often glorified and are used to support a culture that worships guns and violence at home and abroad, when in reality, we know all too well the dangers and effects of war."

Despite the alarming components of the House-approved NDAA, in the wake of

Trump's heavily criticized **withdrawal** from the Iran nuclear deal, anti-war activists were relieved that the measure makes clear to the White House that Congress has not authorized the use of armed forces against Iran.

"Just weeks after President Trump shamefully pulled out of the Iran deal, it is more important than ever to ensure diplomacy with Iran and in the region," said Lee, a co-sponsor of the amendment.

"This is vital, as the elevation of Iran warhawks in John Bolton and Mike Pompeo and the violation of the Iran nuclear deal has put another disastrous war of choice in the Middle East back on the table," said NIAC Action executive director Jamal Abdi, referring to Trump's recently appointed national security adviser and secretary of state..

While calling the Iran amendment "a welcome step," Abdi emphasized that the administration "has shredded norms and constraints" and that "far more political and legal constraints are needed to ensure Trump, Bolton, and Pompeo cannot put their war plans into place."

The Senate Armed Services Committee **marked up** a version of the Pentagon spending bill this week, but the Senate's Republican leadership has not formally announced plans to bring it to the floor.

Independent journalism has become the last firewall against government and corporate lies. Yet, with frightening regularity, independent media sources are losing funding, closing down or being blacked out by Google and Facebook. Never before has independent media been more endangered. **If you believe in Common Dreams, if you believe in people-powered independent media**, please support us now **and help us fight—with truths—against the lies that would smother our democracy**. Please help keep Common Dreams alive and growing. Thank you. -- *Craig Brown, Co-founder*

---

**From:** José Morales; National Democratic Redistricting Committee  
**Subject:** I'll be blunt:

I'll be blunt: Republican gerrymandering has had a devastating impact on communities of color in the United States. And that's why I'm committed to ending it.

It's no secret that when Republicans rigged the maps in 2011, one of their goals was to dilute the voice of communities of color in our democracy. And once they succeeded in winning legislative majorities, the GOP passed policy after policy that harmed our communities. They defunded public education and health care, criminalized immigrants, and enacted burdensome voter ID laws to even further marginalize communities of color.

**If we are to achieve an America that truly represents the will of the people equally, the first step is fixing our rigged maps. Will you chip in to NDRC's end-of-month goal to help us fulfill the promise of civil rights?**

*If you've saved your payment information with ActBlue Express, your donation will go through immediately:*

**Express donate \$5 >>**

**Express donate \$15 >>**

**Express donate \$25 >>**

**Express donate \$50 >>**

**Or, donate a different amount >>**

As a Latino, Donald Trump's attacks on immigrants disgust me -- and what's even more disgusting is that we have a Congress that won't stand up to him. Even when 86 percent of Americans support the DREAM Act, Congress refuses to take action. That's because the Republicans in power aren't listening to common sense; they're only listening to the most extreme members of their base.

But I have hope, Munsup. As NDRC's Community Engagement and Projects Director, I'm working closely with activists across the country every single day who are committed to ending gerrymandering. These activists have been key to our recent victories in Arizona, Nevada, and Pennsylvania, and they'll become even more important as states go into 2021 redistricting.

And thanks to the support of members like you, who allow us to send A.G. Holder and the rest of our team across the country to raise awareness, people are starting to understand this issue, and more are joining our mission every day. **So I truly believe that if we keep working at it this year, next year, and in 2020, we'll be able to achieve fair maps -- and policy change -- in 2021.**

**But it will only happen if our entire grassroots community is engaged. So I'm calling on you: Will you help us reach our May goal and make sure we have the resources to keep up this fight?**

**DONATE**

Paid for by the National Democratic Redistricting Committee

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**From:** Ariel and the entire CODEPINK team

**Subject:** Her hips don't lie, and neither does her voice for justice





Only a few hours after we put up our video asking her to cancel, we received good news; **Shakira will not be performing in Tel Aviv this summer.** Instead, she is joining the ranks of **Lauryn Hill, Lorde, Natalie Portman,** and many others artists who have used their voices to say no to Israel's system of occupation and violence.

**Add your name to our thank you letter for Shakira.** Had she gone ahead with her

concert in Israel, it would have acted as a passive endorsement of Israel's recent massacre of over 100 Palestinians in Gaza.

**Shakira is a powerful advocate for children.** A goodwill ambassador to UNICEF, she declared that **"children should not pay the price of war. I only hope that sometime soon we can have a world where human needs and human rights rise above flags and borders and numbers and selfishness and racism."** Now, she has put those words into action by not allowing her talents to **"artwash"** Israel's crimes against children. Each year, the Israeli military arrests between 500 and 700 Palestinian children. They are physically and emotionally abused, subjected to the only juvenile military court system on earth.

**Help us send a big thank you to Shakira.** We will deliver your message to her personally.

Exactly what happened with Shakira's Tel Aviv concert is not clear. News that the concert was no longer happening came from her promoter on Twitter: "the media has incorrectly reported that Shakira will be performing in Tel Aviv this summer." We don't care how it came to be; we care that Shakira will not be performing in apartheid Israel. **And we know that it was our work and the work of our partners that made it happen.**

Palestinians are celebrating and you should too.

**DONATE NOW!**

---

**From:** SURGING - Progressive Caucus

**Subject:** Trump's military parade BLOCKED (MUST READ):

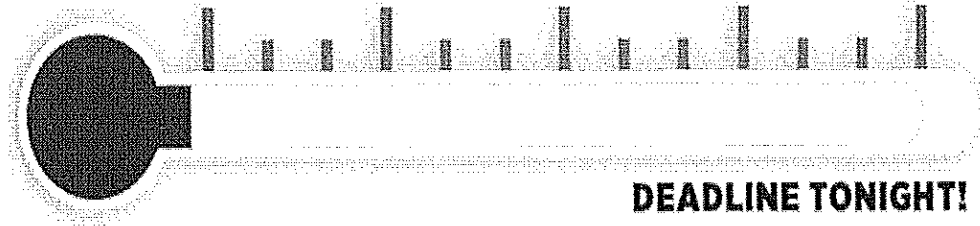
**STOP TRUMP'S MILITARY PARADE: DEADLINE TONIGHT!**

**CHIP IN NOW →**

**This is a turning point in the fight to STOP the Military Parade:**

- Trump has APPROVAL for his absurd \$30 MILLION military parade.
- So we're raising \$25,000 to fight back and elect Progressives who will stop the parade dead in its tracks!
- And right now we're SURGING towards our goal:

## **DONATIONS TO STOP THE MILITARY PARADE:**



But our deadline is in just a few hours, so we can't stop now.

**We're counting on you. Chip in right now if you want to STOP the Military Parade:**

**Chip in \$5 immediately →**

**Chip in \$35 immediately →**

**Chip in \$50 immediately →**

**Chip in \$100 immediately →**

**Chip in \$250 immediately →**

**Or donate another amount →**

**<https://go.weareprogressives.org/Stop-The-Military-Parade>**

PAID FOR BY CONGRESSIONAL PROGRESSIVE CAUCUS PAC AND NOT  
AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

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**From:** Michael Sherrard, Faithful America

**Subject:** Tell bishops: Stop promoting "recovery" from homosexuality

Pope Francis made headlines last week when he told a gay man: "God made you like this. God loves you like this. The pope loves you like this and you should love yourself."

**So why are six U.S. Catholic bishops about to appear at a conference promoting twelve steps for "recovering" from "same-sex attraction"?**

For decades, Courage International contributed to high rates of suicide by telling young gay Catholics they could change their sexual orientation through "reparative therapy."

At the organization's annual conference this summer, Philadelphia Archbishop Charles Chaput and others will honor Courage International's founder even as its website continues to promote books and articles **arguing that sexual orientation can be changed.**

**Tell U.S. bishops: Drop out of conference promoting "recovery" from homosexuality**

P.S. Faithful America depends on the support of members like you to continue mobilizing Christians to challenge the religious right: **Can you chip in to support our work?**

---

**From:** Election Alert [via PFAW] by Ben Betz, Digital Advocacy Director

**Subject:** An inside job:

Last week, a national survey by Navigator Research found that 59% of Americans believe that special counsel Robert Mueller's Russia investigation has not yet uncovered evidence of crimes -- something that could not be further from the truth.

In fact, the Mueller probe has already obtained five guilty pleas and no fewer than *17 criminal indictments*.

You can blame Russian Internet meddlers, social media information bubbles, the

right-wing media, or any other factor that has helped the spread of fake news and caused demonstrably false narratives to take such deep root in our politics and culture.

**But, at the end of the day, this is an inside job --** and to find the “inside man,” you don’t have to look any farther than those who benefit from keeping 30-40% of the population thoroughly misinformed and distrustful of actual news and facts: Trump, his allies, and the Republican Party writ large.

**We are going to be lost as a country if the dishonest propaganda that has propelled Trump Republicans to power is allowed to win again -- and if the people who peddle the lies are allowed to remain in power.**

**That's why we're pulling out all the stops to defeat Trump Republicans at the polls and elect a new generation of progressive champions to stand up for the American Way and chart a better direction for our country ... But all of our work at this absolutely pivotal moment in American history needs your help.**

**We're just hours away from our May deadline and we still have \$26,232 we *need* to raise or suffer a huge hit to our -- and our candidates' -- momentum.**

*And now is the worst possible time for a setback because, in addition to this Mueller survey, election polls are also now starting to shift in Trump Republicans' favor!!*

**Will you donate now to rebuild progressive power? Help us defeat Trump Republicans and elect strong progressives up and down the ballot with your most generous gift to PFAW Action Fund today>>>**

Matthew Yglesias, writing for Vox, says of last week’s Mueller survey, “That suggests that the press as a whole has not done a good job of actually conveying factual information to our audience, that Democrats’ messaging on the investigation has not been clear enough on the most damning point (Trump, even if otherwise innocent, is guilty of hiring crooks and trying to prevent an investigation into their activity), and that Trump’s counterstrategy of muddying the waters around the investigation has been fairly successful.”

It also shows the danger of having 30-40% of the country -- the Trump Republican base -- so deeply mired in misinformation and completely concocted news narratives ... it means the Right Wing only needs to sway -- or con -- 10-20% of the public on any issue, *or in any election*, to add to their base and make a majority.

**AND it shows how much work we have to do to cut through Trump Republicans' lies -- especially before the November elections.**

While an uncomfortably large number of Americans get their information about current events exclusively from right-wing sources like Fox News, Breitbart, talk radio, or the president himself, it's nowhere near 59%.

That means we have a path to victory.

**Will you donate to PFAW Action Fund right now, before our fast-approaching deadline?**

We're exposing the lies with our Right Wing Watch research ... We're fighting on Capitol Hill and all around the country to defend the Mueller investigation from attacks by Trump and the Right Wing ... And we're fighting to turn out every last progressive vote and for every still-persuadable vote...

But that's not all!

We're also fighting to *expand the electorate* -- and expand it with more progressive-leaning groups, like young people and communities of color.

**By expanding the electorate, we'll also expand the electoral *map* to compete and win in places that have recently been seen as dead ends for Democrats.**

**We have the plan and the programs to do it -- but we won't be able to pull it off without you.**

Now is the most important time in our history, and we've never needed you more.

**Please give what you can now to our election year work to replace Trump Republicans with progressive champions>>**

Taking back our country, reasserting our values and the true American Way, and defeating the politics of hate and lies all depend on having the right elected leaders.

**DONATE**

---

**From:** Edward Lin

**Subject:** FW: The Social Shaming of Racists Is Working

**<https://www.thenation.com/article/the-social-shaming-of-racists-is-working/>**

**The Social Shaming of Racists Is Working**

**Now, when white people assert private authority over public space, there's a cost.**

By Laila Lalami

Some years ago, while we were getting ready to move out of state, my husband and I held a garage sale. We'd advertised it in our community newspaper and on flyers around the neighborhood and had a huge turnout as a result. Dozens of bargain hunters milled about, asking about this or that item. "*Cuanto quiere usted por el sofá?*" an older gentleman asked me, pointing to our old green couch. I quoted him a price, adding, "*Es un sofá cama.*" 2 Hearing our exchange, a white woman turned around and yelled, "Speak English! You're in America." "Hey?" 4 I said, but she walked away in a huff, got into her car, and drove off.

I've been thinking about that moment, and the fiery anger behind it, as I hear about incident after incident in which white people lash out at people of color in public spaces. There's the white lawyer who **berated the workers** at a Manhattan deli for speaking Spanish—insisting that "I pay for their welfare. I pay for their ability to be here. The least they can do is speak English"—and then threatened to report them to Immigration and Customs Enforcement. There's the white student who reported a black student for taking a nap in the common room of their dorm at Yale, **saying**, "I have every right to call the police—you cannot sleep in that room." And there's the white mother who **called the police** about two Native American students taking part in a campus tour at Colorado State University, telling the dispatcher that "they are not, definitely not, a part of the tour."

The language in these complaints—"I pay," "I have every right," "they are definitely not"—is quite illuminating. It indicates a belief on the part of these white people that they are the custodians of public space and can enlist the police to enforce its boundaries. The offenses committed by people of color are arbitrary and nearly limitless: **waiting too long** at a Starbucks in Philadelphia, **having a barbecue** on Lake Merritt in Oakland, playing **a leisurely game** of golf at a club in Pennsylvania, **checking out** of an Airbnb in Rialto, California. And once police officers get there, anything can happen, ranging from **an arrest** on charges of **trespassing** to the installation of a police perimeter and the arrival of a police helicopter.

To be sure, the belief that public space belongs exclusively to white people is not new, and this redlining has been inflicting trauma on people of color for a long time now. Whether it's on the street, in a café, or at an airport, the visibility of people of color in public is tolerated only so long as it does not disturb the comfort of the dominant group. But the ubiquitous presence of smartphones with cameras has helped to document such incidents, and social media have brought them to national attention. That's a useful development: The assertion of private authority over public space now comes with a social cost.

That is what happened to Aaron Schlossberg, the Manhattan lawyer who threatened to call ICE on the Spanish-speaking food workers and customers in New York. His law practice soon plummeted in customer ratings; he was hounded by reporters seeking comment; and his corporate landlord terminated his business lease. Protesters even brought a mariachi band to perform outside his apartment building. The public shaming that followed his rant could have a salutary effect: Maybe, just maybe, racists will think twice before making frivolous reports or issuing threats.

Few people have come to Schlossberg's defense, yet there are some who say that the popular outcry against him is "unnerving" and constitutes harassment by modern mobs who demand nothing less than "conformity of thought." Online mobs are scary, no doubt about that. But Schlossberg's rant doesn't amount to a civilized difference of opinion; it's racism, pure and simple, followed by threats.

Schlossberg's assertion of authority over public space is, of course, protected from government interference by the First Amendment. But that right doesn't protect him from the *social* consequences of his speech, including disruption and discomfort. Those protesting Schlossberg's actions are, in fact, exercising their own free-speech rights to object to his racism and nativism. The simple truth is that if racist behavior is insulated from social shaming, it will likely continue and multiply until it becomes accepted. What happens when a majority of Americans hold views like Schlossberg's.

The history of this country is replete with examples of how public space was regulated to ensure that one racial group was made comfortable at the expense of others. This is why it's important to speak out, and speak out now. Allies can help to stop the harassment, or at least deflect it. In the cell-phone footage of Schlossberg's rant, for example, an Asian man can be seen interposing himself between the lawyer and one of the Spanish-speaking women he's verbally abusing. In the Philadelphia Starbucks incident, an older white man repeatedly challenged police officers about why they were arresting the two black men when they'd done nothing wrong.

At the garage sale that day, after the woman took off in a huff, I turned to my



husband in disbelief. "Did you just hear what that lady said?" I asked him. This question, I now realize, was an attempt at documenting the moment by having a witness for it. It was my first intimation that people's relationship to public space is political, and that some of us move through it under surveillance by others. "I heard," my husband replied, and then told me of many similar experiences he'd had as a Cuban American here in Los Angeles.

But public space belongs to everyone. If racists don't like hearing Spanish being spoken in a deli, or having Native American teens on a campus tour, or seeing black folks going on about their lives, they should just stay home.

*Laila Lalami is the author, most recently, of [The Moor's Account](#), a finalist for the Pulitzer Prize for fiction. She writes the "Between the Lines" column for [The Nation](#), and is a professor of creative writing at the University of California, Riverside.*

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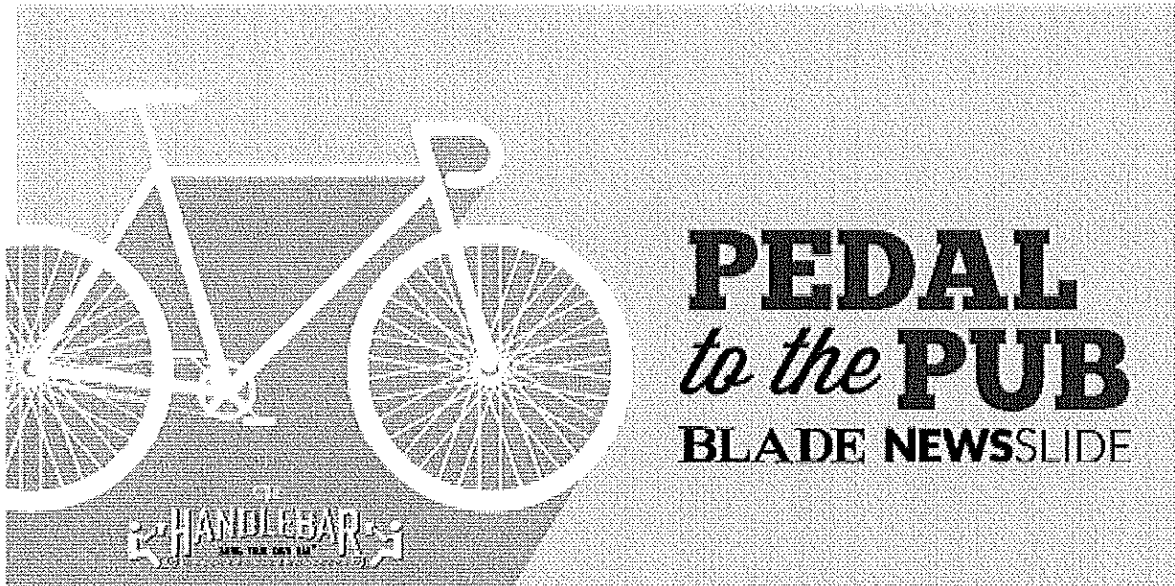


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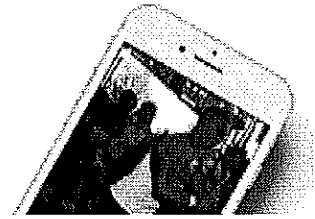
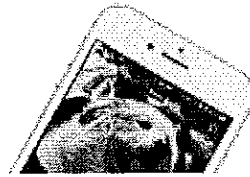
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Tuesday, June 12, 2018



#### TOP NEWS

##### **AG Sessions Tightens Restrictions For Asylum Seekers**

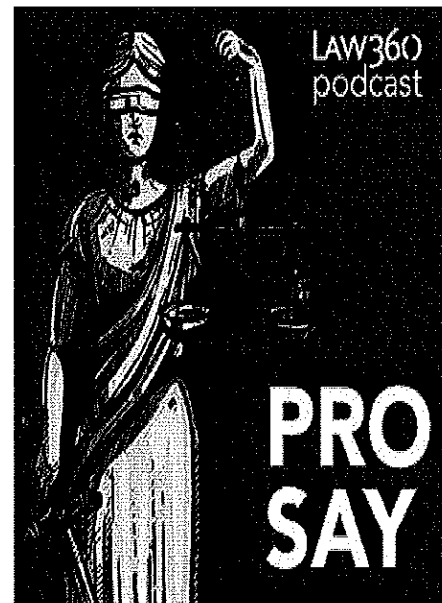
U.S. Attorney General Jeff Sessions on Monday narrowed the circumstances under which members of particular "social groups," including domestic violence victims and LGBTQ individuals, have grounds to petition for asylum, releasing his decision in a Board of Immigration Appeals case that he referred to himself. [Read more »](#)

##### **Analysis**

##### **Supreme Court, Bitterly Divided, Backs Ohio Voting System**

From snarky one-liners to grave charges of historical ignorance, Monday's 5-4 decision in a U.S. Supreme Court case over Ohio's system for purging its voter rolls elicited heated rhetoric among the justices in what has been a common occurrence this term. [Read more »](#)

##### **Interview**



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##### **LAW FIRMS**

Berwin Leighton Paisner  
Broad and Cassel

## **Trump's G7 Broadside Weakens Trade Hand, Ex-USTR Says**

President Donald Trump's open rebuke of top U.S. partners and refusal to endorse a joint statement with his fellow G7 leaders over the weekend was intended as a power play, but it is more likely to end up hampering U.S. efforts on trade, former U.S. Trade Representative Carla Hills told Law360. [Read more »](#)

## **Trustee Defends \$15B Suit Over SEC's 'Unlawful Power Grab'**

A liquidation trustee suing the U.S. Securities and Exchange Commission for almost \$15 billion in allegedly ill-gotten disgorgements told a Massachusetts federal judge on Friday that the agency's arguments against the suit cannot insulate its "unlawful power grab" from being challenged. [Read more »](#)

## **NEC Director Kudlow Has Heart Attack, Trump Says**

National Economic Council Director Larry Kudlow, who has emerged as a key player in the Trump administration's trade enforcement push in recent weeks, suffered a heart attack Monday night, President Donald Trump announced on Twitter. [Read more »](#)

## **BANKING & SECURITIES**

### **Securities Fraud Class Actions Must Be Curtailed, Attys Say**

Class action securities fraud suits have proliferated in recent years, a trend that's harming U.S. businesses, investors and the economy, and it needs to be reversed, a panel of defense attorneys said at an event Monday in Lafayette Hills, Pennsylvania. [Read more »](#)

### **Payday Groups Defend Joint Request For CFPB Rule Stay**

Two payday lender trade groups on Monday defended their joint request to the Consumer Financial Protection Bureau for a stay of the compliance date of the agency's so-called

Brown Rudnick  
Bryan Cave  
Buchanan Ingersoll  
Cleary Gottlieb  
Cohen Milstein  
Cravath Swaine  
Dentons  
Edwards Law  
Fox Swibel  
Frantz Ward  
Freshfields  
Greenberg Traurig  
Gupta Wessler  
Hogan Lovells  
Hoguet Newman  
Hughes Hubbard  
Hunton Andrews Kurth  
Irell & Manella  
Jones Day  
Katten Muchin  
Littler Mendelson  
Milbank Tweed  
Morgan Lewis  
Native American Rights Fund  
Nelson Mullins  
Norton Rose Fulbright  
Peckar & Abramson  
Post & Schell  
Proskauer Rose  
Reed Smith  
Reynolds Frizzell  
Selendy & Gay  
Shapiro Arato  
Sheppard Mullin  
Simpson Thacher  
Wigdor LLP  
WilmerHale  
Winston & Strawn

payday rule, telling a Texas federal judge that the consumer advocates who want to weigh in against the request are off the mark. Read more »

## ENERGY & ENVIRONMENTAL

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### **Ga., 10 Others Win Injunction Over Clean Water Act Rule**

Georgia and 10 other states won a preliminary injunction in Georgia federal court Friday barring the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers from implementing the highly contested Waters of the United States rule, which they allege is overly broad Read more »

## HEALTH & LIFE SCIENCES

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### **Lawmakers Seek To Hold USPS 'Accountable' In Opioid Bill**

A bipartisan, bicameral congressional group has reached an agreement on a bill aimed at holding the federal government "accountable" for preventing synthetic opioids from being trafficked into the U.S. through the Postal Service, according to a statement by the House Ways and Means Committee. Read more »

## MEDIA & ENTERTAINMENT

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### **NJ Sports Betting Bill Now Law After High Court Victory**

New Jersey Gov. Phil Murphy on Monday signed legislation to permit sports betting at casinos and racetracks, putting the finishing touch on a yearslong legal battle that led last month to a U.S. Supreme Court decision authorizing such gambling in the Garden State. Read more »

## EMPLOYMENT

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Interview

## COMPANIES

Alion Science and Technology Corp.  
American Bankers Association  
American Bar Association  
American Civil Liberties Union  
Cable News Network Inc.  
Citizens for Responsibility and Ethics in Washington  
Comcast Corporation  
Community Financial Corp.  
DISH Network Corporation  
DXC Technology Co.  
Equifax Inc.  
Exterro Inc.  
F-Squared Investment Management LLC  
Facebook  
IMF Bentham Ltd.  
Intelsat SA  
James McHugh Construction Co.  
Kaspersky Lab Ltd.  
KeyPoint Government Solutions  
McKesson Corp.  
NBCUniversal Inc.  
National Consumer Law Center  
National Wildlife Federation  
Natural Resources Defense Council  
Neota Logic Inc.  
PayPal Inc.  
Public Citizen Inc.  
S1 Corporation  
Southern Environmental Law Center  
Sprint Nextel Corporation  
Trump Organization Inc.  
Twitter Inc.  
U.S. Chamber of Commerce

## **NLRB On Right Path With Joint Employer, Elex Regs: Ex-Chair**

Turning to agency rulemaking — a mechanism the National Labor Relations Board has used just a handful of times in its 82-year history — to resolve when businesses can be deemed joint employers was the right move, as was the NLRB's call for input on whether to scrap Obama-era regulations meant to streamline the union election process, former NLRB chair and current Morgan Lewis partner Philip Miscimarra told Law360 in an exclusive interview. This is the first article in a two-part series. [Read more »](#)

## **COMPETITION**

### **Kaspersky Urges DC Circ. To Expedite Federal Ban Ruling**

Embattled Russian cybersecurity firm Kaspersky Lab Inc. urged the D.C. Circuit to quickly decide its appeal over a ban on the U.S. government using its products, saying a growing stigma resulting from the ban has significantly hurt its bottom line. [Read more »](#)

## **INTERNATIONAL TRADE**

### **US Sanctions Russian Cos. Over Expanded Cyber Capabilities**

The Trump administration has imposed new sanctions on several Russian businesses and individuals accused of working with Russia's main counterintelligence and security agency, the U.S. Department of the Treasury announced Monday, saying the sanctioned entities' actions "jeopardize the safety and security" of the U.S. and its allies. [Read more »](#)

#### **Analysis**

### **Tariffs Threaten Construction With Delays, Increased Costs**

The construction industry is scrambling to deal with the Trump administration's steel and aluminum tariffs as uncertainty about the price of each metal appears likely to delay projects

UnitedLex Corp.

Vencore Inc.

Veritas Capital Fund Management LLC

Washington & West LLC

Wells Fargo & Co.

Yelp Inc.

## **GOVERNMENT AGENCIES**

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Commonwealth of Kentucky

Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

European Union

Federal Bureau of Investigation

Federal Communications Commission

Federal Trade Commission

NAFTA

National Economic Council

National Labor Relations Board

New Jersey Legislature

New York State Assembly

New York State Senate

Office of Foreign Assets Control

Pennsylvania Department of Revenue

Pennsylvania Supreme Court

Securities and Exchange Commission

Texas Attorney General's Office

Texas Department of Criminal Justice

Three Affiliated Tribes of the Fort Berthold Reservation

U.S. Army

and increase the price of construction, experts say. [Read more »](#)

## TAX

### **Supreme Court Won't Review Nextel's \$3.9M Tax Refund Suit**

The U.S. Supreme Court said Monday it would not hear an appeal from Nextel Communications asking the court to find whether it was entitled to a \$3.9 million refund following the Pennsylvania Supreme Court's saying a law limiting business losses violated the state constitution. [Read more »](#)

## IMMIGRATION

### **DOJ Calls DACA Unlawful, Refuses To Back It In Texas Fight**

The Trump administration on Friday declined to defend the federal Deferred Action for Childhood Arrivals program against a challenge brought by Texas and six other states, telling a Texas federal court that it believes the policy is unlawful. [Read more »](#)

### **Feds Wrongly Detained 2 Immigrant Spouses, Judge Says**

A Massachusetts federal judge on Monday laid out his rationale for declaring last month that the federal government unlawfully detained two Brazilian natives who are part of a putative class action that alleges the federal government is violating the U.S. Constitution by detaining immigrants who seek green cards through their spouses. [Read more »](#)

### **US Can't Split Yemenis' Case Alleging Immigration Bias**

A New York federal judge on Monday denied the federal government's bid to break up a case in which several individuals allege that immigration officials are dragging out their bids to petition for relatives to enter the United States from Yemen because of the U.S.

U.S. Attorney's Office  
U.S. Customs and Border Protection  
U.S. Department of Defense  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of State  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. General Services Administration  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Postal Service  
U.S. Supreme Court



government's bias against Muslims. Read more »

## NATIVE AMERICAN

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### **DOI Solicitor Pulls Back Ruling On ND Tribal Mineral Rights**

The office of the U.S. Department of the Interior's solicitor said Friday that it was temporarily taking back and suspending part of an Obama-era ruling by the same office that backed the Mandan, Hidatsa & Arikara Nation's claims against the state of North Dakota to certain mineral rights on the tribe's reservation. Read more »

### **8th Circ. Allows Block On ND Voter ID Law Through Primaries**

The Eighth Circuit has refused North Dakota's bid to stay a district judge's injunction that blocked portions of a 2017 state voter identification law for discriminating against Native American voters, allowing the ruling to remain in effect through Tuesday's primary elections in the state. Read more »

## TELECOMMUNICATIONS

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### **Net Neutrality Repeal Means Status Quo, Supporters Say**

The Federal Communications Commission's net neutrality deregulation rules officially took effect Monday, as advocates of the new regime reiterated that nothing will change from a consumer standpoint. Read more »

### **Comcast Wary Of FCC Opening Up Its Spectrum For 5G**

Comcast Corp. and NBCUniversal have told the Federal Communications Commission they still rely on C-band spectrum for transmitting broadcast content and that the band must be protected from interference as the agency considers opening spectrum access for 5G. Read more »

## **Telecoms Float Solution To \$3.3B FCC Spectrum Credit Row**

Two telecom companies denied some \$3.3 billion in credits for spectrum licenses reserved for small businesses have urged the Federal Communications Commission to take another look at their request, arguing their revised operating agreements create more space from DISH Network Corp. [Read more »](#)

## **CIVIL RIGHTS**

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### **Texas Inmates' Settlement, \$4.5M In Fees OK'd In Heat Suit**

A Texas federal judge has approved a class action settlement on behalf of a group of prisoners who argued exposure to extreme heat violated their constitutional rights, including the approval of \$4.5 million in fees and expenses that the Texas Department of Criminal Justice agreed to pay class counsel. [Read more »](#)

## **WHITE COLLAR**

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### **Ex-NY Senate Boss, Son Can't Dodge 2nd Graft Trial**

A New York federal judge has refused to throw out corruption charges against former New York State Senate Majority Leader Dean Skelos and his son Adam, setting the stage for a retrial to begin next week. [Read more »](#)

### **AGs, Trump Duel Over Implications Of 'Emoluments'**

Attorneys general for Maryland and the District of Columbia squared off Monday with the U.S. Department of Justice over the scope of the term "emoluments" in a battle in Maryland federal court over whether foreign payments to the Trump International Hotel in Washington violate the Constitution. [Read more »](#)

## **EXPERT ANALYSIS**

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## **A Look At 2 GDPR-Inspired Privacy Bills In Senate**

The very public and high-profile allegations against Facebook have led to more discussion about data privacy than ever before within the U.S. Two pieces of proposed legislation have the potential to considerably change the U.S. data privacy regime, but it is not clear that either has a realistic chance of passing, say attorneys with Cleary Gottlieb Steen & Hamilton LLP. [Read more »](#)

## **Congress' Overlooked Environmental Legislation**

The House recently passed — and now the Senate is considering — the most important piece of energy and environmental legislation it will consider all year. It isn't a revision to the Endangered Species Act or the Clean Water Act. It's the National Defense Authorization Act, say attorneys with WilmerHale. [Read more »](#)

Opinion

## **Claimants Shouldn't Be Forced To Disclose Litigation Funding**

Many have compared the Litigation Funding Transparency Act — recently introduced in the Senate — to the established requirement that defendants disclose insurance coverage information. But the bill would result in costly discovery sideshows that unnecessarily burden claimants and courts, say Matthew Harrison and John Harabedian of Bentham IMF. [Read more »](#)

Opinion

## **Hiding Complaints About Wall St. Benefits Mulvaney Donors**

Since 2012, the Consumer Financial Protection Bureau has maintained a public database of consumer complaints that has helped hold financial institutions accountable for unscrupulous practices. But acting CFPB Director Mick Mulvaney — who received political contributions from some of the most complained-about companies in the database

— appears to be on a quest to shut it down, say law professors Pamela Foohey and Amy Schmitz. [Read more »](#)

Series

### **Masterpiece Cakeshop: What Did The Baker Win?**

The U.S. Supreme Court's decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* granted victory to the cake shop owner, but on such narrow grounds that it won't protect other religious dissenters from anti-discrimination laws. And it's not generally understood how minuscule the victory is, says Andrew Koppelman, professor of law and political science at Northwestern University. [Read more »](#)

## **LEGAL INDUSTRY**

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### **Cravath Tops Milbank's Associate Pay Scale**

Cravath Swaine & Moore LLP on Monday announced plans to top the mid- and senior-level associate pay scale set forth a week ago by Milbank Tweed Hadley & McCloy LLP. [Read more »](#)

### **Dentons Ignored Managing Director's Harassment, Suit Says**

Dentons ignored a female business development specialist who complained that the male managing director of the firm's Os venture technology group repeatedly groped her and hit on her using graphic come-ons, according to a suit filed Monday in New York state court. [Read more »](#)

### **Nelson Mullins Will Merge With Fla. Firm Broad And Cassel**

Nelson Mullins Riley & Scarborough LLP and Florida-based Broad and Cassel LLP will combine at the beginning of August, the firms announced on Monday, creating a consolidated firm with more than 725 attorneys

nationwide and a strong footprint in the southeastern U.S. [Read more »](#)

### **Legal Tech Download: Reed Smith's Associate Feedback App**

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at six recent developments. [Read more »](#)

#### **Interview**

### **15 Minutes With The General Counsel Of Vencore**

Kevin Boyle has been the general counsel of Vencore for approximately the past year, guiding the \$1.2 billion provider of information solutions, cybersecurity, engineering and analytics for the U.S. government through an initial public offering and a merger. Here, Law360 talks to Boyle about the recent merger, the one thing he values most in outside counsel, and his thoughts on the billable hour. [Read more »](#)

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Monday, June 18, 2018

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## DIVERSITY SNAPSHOT

### **The Best Firms For Minority Attorneys**

While U.S. law firms have long vowed to make their ranks more diverse and inclusive, the industry has long failed to deliver on those promises. Here are the firms making some headway, according to this year's Diversity Snapshot. [Read more »](#)

### **Law360's Diversity Snapshot: By The Numbers**

Efforts to increase diversity have again yielded few meaningful changes in law firm demographics, according to Law360's annual headcount survey, even as law schools continue to enroll students of color in increasing numbers. [Read more »](#)

### **Minority Lawyers On Why They Left BigLaw**

Despite the proliferation of diversity committees and inclusion initiatives, corporate law firms remain overwhelmingly white and male, especially at leadership levels. Here, minority attorneys discuss their reasons for leaving a large firm. [Read more »](#)

### **Taking On The 'Petri Dish' Of BigLaw Bias**



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#### LAW FIRMS

Akerman  
Alston & Bird  
Anthony Kennedy PC  
Arnold & Porter  
Baker Donelson  
Cahill Gordon  
Cleary Gottlieb  
Clifford Chance

The often-informal processes for deciding matters like compensation at law firms can create, as one expert put it, a “petri dish” for the effects of unconscious bias. Here’s how some firms are looking to shake up the system. [Read more »](#)

Podcast

**Law360’s Pro Say: What BigLaw Should Do About Diversity**

For years law firms have had programs aimed at increasing attorney diversity, but nothing is working. On this week’s Pro Say podcast we take a look at our latest survey of diversity at law firms, and unpack what experts say are the things that could actually move the needle on this issue. [Read more »](#)

TOP NEWS

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**3 High Court Justices Dump Some, But Not All, Of Their Stock**

The amount of individual stock held in public companies by U.S. Supreme Court justices declined once again in 2017, but three members of the high court’s bench still combine to hold shares in more than 40 entities, according to an analysis of financial disclosures released Thursday by watchdog group Fix the Court. [Read more »](#)

Analysis

**EPA Cost-Benefit Review Signals Big Concessions To Industry**

The U.S. Environmental Protection Agency recently said it is considering altering its approach to regulatory cost-benefit analyses to reflect industry groups’ concerns that the process is weighted against them, something experts say would be tough to implement as a one-size-fits-all rule and would surely invite legal challenges from environmental and other public interest groups. [Read more »](#)

**EPA, Corps Close To Clean Water Rule Replacement Proposal**

Cohen & Gresser  
Cotchett Pitre  
Cravath Swaine  
DLA Piper  
Davis Wright Tremaine  
Debevoise & Plimpton  
Dechert  
Dickinson Wright  
Drinker Biddle  
Duane Morris  
Epstein Becker Green  
Fisher Phillips  
Fletcher Heald  
Fortney & Scott  
Fragomen Del Rey  
Freshfields  
Fried Frank  
Gibson Dunn  
Goodwin  
GrayRobinson  
Greenberg Traurig  
Haynes and Boone  
Hogan Lovells  
Holland & Hart  
Holland & Knight  
Holwell Shuster  
Honigman Miller  
Houston Harbaugh  
Hughes Hubbard  
Ice Miller  
Irell & Manella  
Jeffer Mangels  
Jones Day  
K&L Gates  
Katten Muchin  
King & Spalding  
Kirkland & Ellis  
Latham & Watkins

The U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers moved closer on Friday to officially proposing a replacement for a controversial Obama-era rule defining the Clean Water Act's reach. [Read more »](#)

### **Association Health Plan Rule Almost Ready For Prime Time**

Twenty Republican senators encouraged the U.S. Department of Labor on Friday to pull the trigger on a rule allowing small businesses to band together to create employee health plans, urging the agency to publish the finished rule now that the White House Office of Management and Budget has approved it. [Read more »](#)

### **FTC Backs Flexible Approach To Regulating Internet Of Things**

The Federal Trade Commission on Friday weighed in on the Consumer Product Safety Commission's efforts to better understand the emerging world of internet-connected devices, cautioning that any new standards should be flexible and publicly accessible and urging the CPSC not to overlook the link between poor security practices and potential safety risks. [Read more »](#)

## **BANKING & SECURITIES**

### **Fed Board OKs Credit Exposure Limits For Big Banks**

The Federal Reserve Board signed off Thursday on a rule that puts caps on how much credit big banks can extend to one another, finalizing a proposal that has been years in the making and is aimed at reducing the risk of one firm's distress spreading throughout the financial system. [Read more »](#)

### **Fiduciary Rule's End Leads Merrill Lynch To Review IRA Policy**

Merrill Lynch is reviewing its policies and procedures, including a ban on commission-

LeClairRyan  
Mayer Brown  
McDermott Will  
Milbank Tweed  
Miller & Chevalier  
Morris Manning  
Munger Tolles  
O'Melveny & Myers  
Ogletree Deakins  
Paul Weiss  
Proskauer Rose  
Quinn Emanuel  
Reed Smith  
Ropes & Gray  
Selendy & Gay  
Sidley Austin  
Simpson Thacher  
Skadden  
Squire Patton Boggs  
Telecommunications Law  
Professionals  
Weil Gotshal  
White & Case  
Wilson Sonsini  
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## **COMPANIES**

AARP Inc.  
ASUSTeK Computer Inc.  
AT&T Inc.  
Adobe Systems Incorporated  
Aequitas Capital Management Inc.  
Airbnb Inc.  
Alaska Communications Systems  
Group, Inc.  
Alion Science and Technology  
Corp.  
Amazon.com Inc.  
American Bar Association



based individual retirement accounts, that were implemented in response to the U.S. Department of Labor's Obama-era fiduciary rule, the company announced to its financial advisers Friday [Read more »](#)

## HEALTH & LIFE SCIENCES

### House OKs Tougher Rules For Illegal Drug Analogues

The U.S. House of Representatives has voted to crack down on synthetic analogues for illegal drugs, passing a bill Friday that would give the Drug Enforcement Administration more ability to schedule and ban drugs engineered to closely mimic existing illegal substances. [Read more »](#)

### Walgreens' Dual Role Helped Spur Ky. Opioid Crisis, AG Says

Walgreens helped spread unneeded opioids throughout Kentucky as both pharmacy chain and distributor, the state's attorney general said in a lawsuit filed Thursday, allegedly cultivating a public health nightmare that has killed Kentuckians, defrauded Medicaid and spurred an armed-robbery epidemic. [Read more »](#)

### Health Hires: Honigman, Arnold & Porter, GrayRobinson

Honigman Miller Schwartz and Cohn LLP has named a health care fraud pro to co-chair its white collar practice, Arnold & Porter has scored an attorney fresh out of the U.S. Food and Drug Administration, and another health expert has joined GrayRobinson PA. [Read more »](#)

## IP & TECHNOLOGY

### Senate, House Bills Would Set \$3.4B In USPTO Funding

The U.S. Senate Appropriations Committee on Thursday cleared a bill that would let the U.S. Patent and Trademark Office spend up to

AmerisourceBergen Corporation  
Apple Inc.  
Applegate Farms LLC  
Bank of America Corporation  
Becton Dickinson and Company  
BlackBerry Ltd.  
C. R. Bard, Inc.  
CTIA  
Cable News Network Inc.  
Cato Institute  
Center for Biological Diversity Inc.  
Cintas Corporation  
Cisco Systems Inc.  
Comcast Corporation  
Corinthian Colleges, Inc.  
Credit Union National Association Inc.  
D-Link Corporation  
DXC Technology Co.  
Facebook  
Faculty Athletics Representatives Association  
General Electric Company  
Google Inc.  
Hill-Rom Holdings, Inc.  
Hillenbrand, Inc.  
Home Box Office Inc.  
HomeAway Inc.  
Hulu LLC  
Keurig Green Mountain Inc.  
KeyPoint Government Solutions  
Lambda Legal Defense & Educational Fund  
Lowe's Companies Inc.  
Microsoft Corporation  
NBCUniversal Inc.  
National Rural Electric Cooperative Association  
National Wildlife Federation

\$3.37 billion in the 2019 fiscal year, matching a bill passed by the committee's counterpart in the U.S. House of Representatives in May. [Read more »](#)

## TRANSPORTATION & INFRASTRUCTURE

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### **DOT Tells DC Circ. Suit On Wheelchair Rule Delay Is Untimely**

The U.S. Department of Transportation urged the D.C. Circuit to reject the Paralyzed Veterans of America's challenge to the agency's decision to delay until 2019 a new airline reporting requirement for mishandled checked baggage, including checked wheelchairs and scooters, saying Thursday the petition is untimely. [Read more »](#)

## REAL ESTATE

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### **Airbnb Loses Free Speech Challenge To Rental Ordinance**

A California federal judge on Thursday echoed his previous ruling against Airbnb Inc. and HomeAway.com Inc. in dismissing the case and constitutional challenges to a Santa Monica city ordinance that bans unregistered short-term rentals. [Read more »](#)

## EMPLOYMENT

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### **Female Attys Take To Twitter As Senate Looks At Harassment**

Female lawyers took to Twitter this week to share experiences of sexual harassment in their professional lives after a Senate Judiciary Committee hearing on such harassment in U.S. courts. [Read more »](#)

## AEROSPACE & DEFENSE

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### **Trump Can't Freeze Transgender Troops Ruling During Appeal**

Natural Resources Defense Council

Netflix Inc.

Nokia Corporation

QUALCOMM Incorporated

Ripple Labs Inc.

SYSCO Corporation

Schlumberger Limited

Sirius XM Radio Inc.

Starbucks Corporation

Texas Instruments Inc.

The DIRECTV Group, Inc.

The Florida Bar

Time Warner Inc.

Twitter Inc.

U.S. Chamber of Commerce

UnitedLex Corp.

Vencore Inc.

Walgreen Co.

Walgreens Boots Alliance Inc.

Wayfair LLC

## GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Alcohol and Tobacco Tax and Trade

Bureau of Indian Affairs

Bureau of Indian Education

Bureau of Land Management

Commonwealth of Kentucky

Consumer Financial Protection Bureau

Delaware Court of Chancery

Department of Commerce

Drug Enforcement Administration

Economic Development Administration

Employee Benefits Security Administration

A Washington federal judge on Friday declined to pause her ruling enjoining the Trump administration's policy barring transgender people from military service while the president appeals to the Ninth Circuit. [Read more »](#)

## INTERNATIONAL TRADE

### Analysis

#### **Trump Throws A Curve With Two-Pronged Tariff Approach**

President Donald Trump's decision to impose punitive tariffs on Chinese technology in a squabble over intellectual property policy arrived with a wrinkle as the administration primed one set of duties for July while keeping another batch for the future, adding a new layer of intrigue to the sprawling trade fight. [Read more »](#)

#### **Trump Wallops China With Tariffs As IP Brawl Boils Over**

President Donald Trump moved ahead Friday with tariffs that will eventually cover about \$50 billion worth of Chinese goods as punishment for the nation's restrictive intellectual property rules, targeting touch screens, steel components, medical devices and scores of other items in an escalating trade battle. [Read more »](#)

## TAX

### Interview

#### **EU's \$5.5B Tax Break Helps E-Book Sector, Moscovici Says**

A proposed European Union value-added tax break that could mainly benefit big web platforms shows the bloc is not out to get U.S. digital firms, European Tax Commissioner Pierre Moscovici told Law360 in an exclusive interview, despite his stated aim to increase the tax take from the digital sector. [Read more »](#)

Equal Employment Opportunity Commission  
European Commission  
European Union  
Executive Office of the President  
Federal Communications Commission  
Federal Reserve System  
Federal Trade Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Indian Health Service  
Internal Revenue Service  
International Trade Administration  
Legal Services Corp.  
National Institute of Standards and Technology  
National Oceanic and Atmospheric Administration  
National Park Service  
National Telecommunications and Information Administration  
New York Attorney General's Office  
New York State Department of Financial Services  
Office of Foreign Assets Control  
Office of the U.S. Trade Representative  
Securities and Exchange Commission  
U.S. Army  
U.S. Census Bureau  
U.S. Consumer Product Safety Commission  
U.S. Department of Defense  
U.S. Department of Education  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security

## **Conn. Expands Nexus Definition For Out-Of-State Retailers**

Connecticut has expanded the definition of sales tax nexus to include online solicitation and other types of electronic transmission for making tangible personal property sales. [Read more »](#)

## **IMMIGRATION**

### **2,000 Kids Taken From Parents At Border Under New Policy**

The Trump administration separated 1,995 children from their parents over a recent six-week stretch as part of its new "zero tolerance" policy for prosecuting those who seek to enter the United States without authorization, the U.S. Department of Homeland Security said Friday. [Read more »](#)

### **Trump 'Certainly Wouldn't Sign' Compromise DACA Bill**

President Donald Trump said Friday that he "certainly wouldn't sign" a new compromise bill drafted by Republican lawmakers to deal with unauthorized immigrants brought to the U.S. as children, despite previously voicing support for the measure. [Read more »](#)

### **Sessions Slams Philly Mayor's Dance In Sanctuary City Win**

Attorney General Jeff Sessions on Friday traveled to northeast Pennsylvania, where he criticized the mayor of Philadelphia for a video showing an impromptu song-and-dance routine celebrating a federal judge's decision allowing the city to continue receiving grant funding despite a failure to fully cooperate with immigration officials. [Read more »](#)

### **BALCA Denies Qualcomm's Bid To Certify Engineer Position**

The Board of Alien Labor Certification Appeals on Thursday affirmed the denial of a labor certification bid by Qualcomm for an engineer position in California, determining that the

U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Patent and Trademark Office  
U.S. Senate  
U.S. Supreme Court  
World Trade Organization

company's alternate requirements of education and experience for the job were too different from its primary requirements. [Read more »](#)

## NATIVE AMERICAN

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### **Senate Funding Bill Staves Off Cuts To Indian Programs**

The Senate Appropriations Committee approved a \$36 billion funding bill Thursday that largely increased spending over the levels proposed by the Trump administration for federal programs providing health care, education and other services to Native American tribes. [Read more »](#)

## TELECOMMUNICATIONS

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### **Feature**

### **3 Telecom Lessons We Can Learn From AT&T-Time Warner**

The U.S. Department of Justice unsuccessfully took AT&T to court over its proposed buy of Time Warner Inc., and U.S. District Judge Richard Leon's Wednesday opinion wholly approving the merger offers several lessons on the shape of the telecom landscape going forward. [Read more »](#)

### **Apostle Pai Preaches On Winning Net Neutrality Converts**

FCC Chairman Ajit Pai has been called names ranging from "Hitler" to "the man who's trying to end the internet" leading up to his controversial vote to undo Obama-era internet protections known as the net neutrality rules. But at the Cato Institute's auditorium Thursday evening he found a friendly audience and offered tips to free-market devotees on persuading net neutrality-supporting peers that the previous government regulation would have stifled growth of the internet. [Read more »](#)

### **FCC Urged To Fight Contractor Debt-Collection Robocalls**

A bipartisan group of lawmakers on Friday called on the Federal Communications Commission to beef up rules against federal contractors sending robocalls and texts, saying the agency shouldn't be deterred after its definition of autodialer was rejected as too broad by the D.C. Circuit. [Read more »](#)

### **FCC Support Grows For Pai's \$171M Telemedicine Boost**

A proposal to increase the limits on how much the Federal Communications Commission subsidizes rural telecom services for health care providers by \$171 million a year is gaining traction with commissioners, in a move aimed at improving telemedicine in some of the country's most underserved areas, Chairman Ajit Pai said Thursday. [Read more »](#)

### **EXPERT ANALYSIS**

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### **An Unprecedented Look Inside The FARA Unit**

For close observers of the Foreign Agents Registration Act, the June 8 release by the U.S. Department of Justice of over 50 FARA advisory opinions was a watershed. These opinions offer an unprecedented glimpse into how the FARA Registration Unit interprets the law, say Brian Fleming and Andrew Herman of Miller & Chevalier Chtd. [Read more »](#)

### **What To Expect After CFPB's Student Loan Office Reorg**

The Consumer Financial Protection Bureau recently announced plans to fold the Office of Students into the Office of Financial Education. While this move has been described as signaling a major shift in the CFPB's approach to the student loan market, it may have less of a monumental impact on the regulation of that market than expected, say attorneys with Mayer Brown LLP. [Read more »](#)

**Series**

## **FLSA Turns 80: The Tip Credit Is Here To Stay**

As an amendment to the Fair Labor Standards Act's tip credit provisions, President Donald Trump recently signed a bill that included the Tip Income Protection Act. Liz Washko of Ogletree Deakins Nash Smoak & Stewart PC discusses the recent changes to the law, as well as the history of the tip credit, its requirements and potential pitfalls for employers paying a tip credit wage. [Read more »](#)

## **Amended Fiduciary Rule: Done, Done, On To The Next One**

The deadline for appealing the Fifth Circuit's decision on the amended fiduciary rule to the U.S. Supreme Court expired on June 13, and — pending the Fifth Circuit's mandate ordering the U.S. Department of Labor to officially strike it down — the rule is no more. So, what now? Will the clock be turned back to an earlier time? Maybe not completely, say Andrew Oringer and Aryeh Zuber of Dechert LLP. [Read more »](#)

## **DEA Hemp Rule Is Safe For Now, But That May Change**

The Ninth Circuit recently rejected an industry challenge to a U.S. Drug Enforcement Administration rule classifying cannabidiol medicines as Schedule 1 drugs. This decision might chill the CBD boom taking place around the country, but could also spur action at the federal level that would supersede the DEA's rule, say attorneys at Akerman LLP. [Read more »](#)

### **Roundup**

## **Masterpiece Cakeshop: 3 Expert Perspectives**

In this recap of the U.S. Supreme Court's recent decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, experts offer insight on various aspects of one of the

term's most highly anticipated decisions. Read more »

## LEGAL INDUSTRY

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### **Sidley, Freshfields, Others Jump Into Associate Pay Race**

Sidley Austin LLP joined Freshfields Bruckhaus Deringer LLP, Clifford Chance LLP and at least four more firms on Friday in announcing they'll match Cravath Swaine & Moore LLP's increased associate pay scale. Read more »

#### Feature

### **GC Cheat Sheet: The Hottest Corporate News Of The Week**

A retail industry association, Comcast Corp. and others continue to urge the Federal Communications Commission to create a database of reassigned phone numbers that would come with a liability shield for those who use it, a federal judge ruled AT&T can complete its \$85 billion purchase of Time Warner, and the European Union has moved forward in establishing a new blocwide cybersecurity agency that proponents say will promise a level of data security on products like connected cars and smart medical devices. These are some of the stories in corporate legal news you may have missed in the past week. Read more »

### **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. Read more »

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**From:** MPEN Ohio  
**Sent:** Tuesday, June 19, 2018 5:53 PM  
**To:** Rep48  
**Subject:** MPEN e-Newsletter, No. 2018-06-19

**MPEN e-Newsletter, No. 2018-06-19**

- FW: A moment to celebrate
- FW: MSNBC just AMAZED us
- FW: Ohio's governor race too close to call
- FW: OHIO calls needed: ICE will NOT win here
- FW: We won't sugarcoat it: This is \*bad\*
- FW: They're erasing Black history
- FW: Things You Would Want To Know About Social Security & Medicare
- FW: "Dems just won an election Walker didn't want to have"
- FW: Net Neutrality is over TODAY — unless we get the House to step in [Sign Now]
- FW: Stop ICE and Border Patrol from separating families!
- FW: We need to keep families together!
- FW: What everyone needs to know about Trump's gag rule

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**From:** Ann, Ariel, Brienne, Jodie, Kelly, Kirsten, Mark, Medea, Nancy, Natasha, Paki, Rita, Sarah, and Tighe, CODEPINK  
**Subject:** A moment to celebrate



Our friend Christine Ahn said it perfectly this morning: “**peace is in the air.**” We couldn’t agree more. Not only did the Singapore meeting of Donald Trump and Kim Jong-un result in a pledge of “no more war,” but **President Trump even called out U.S. - South Korea war games as provocative and counterproductive.**

In advance of the summit, the Trump administration said that an agreement with North Korea will be in the **form of a treaty**. This means that it will be up to the Senate to ratify. **Can you take a moment to contact your Senators and tell them to support a U.S. - North Korea peace treaty?** Let’s take this opportunity to **finally end a 70-year long conflict!**

The fatal flaw of the Iran deal was that it was not a treaty and therefore didn’t require ratification from the Senate, so it was very easy for Trump to withdraw from the agreement. As we move forward with our opportunity for peace with North Korea, **we are hopeful that this time diplomacy will hold firm.** This is not about Trump or party politics. **This is about the hopes and dreams of 75 million people on the Korean peninsula, as well as the best interests of the American people.**

Having begun his presidency with threats of using the nuclear button, the success of Trump’s meeting with Kim is all the more extraordinary. **Now it is up to the Senate to do their part by supporting a treaty. Send a message now to your Senators that you want them to support a strong and lasting peace with North Korea. Ask them to look favorably upon the treaty.**

History is being made, and we are proud to be part of this moment.

**DONATE NOW!**

---

**From:** WOW WOW WOW; Progressive Turnout Project  
**Subject:** MSNBC just AMAZED us [open now Munsup!!!!]

Democrats NEED to win the Ohio Special Election to take back the House.

**And MSNBC just made our day: Democrat Danny O’Connor can really win!**



## OHIO SPECIAL ELECTION EMERGES AS DEMOCRATS' NEXT BEST CHANCE TO STUN GOP



But Pence just flew to Ohio to rake in mountains of cash to ATTACK Danny O'Connor.

We need another 642 EMERGENCY donations before 5pm today or Pence's fundraising blitz will absolutely WRECK our Democratic Voter Turnout campaigns.

**Chip in just \$39 (WORTH \$117 AFTER 3X-MATCH) to win the Ohio Special Election and brutally HUMILIATE Pence and Trump:**

**Triple Match: \$39 →**

**Triple Match: \$78 →**

**Triple Match: \$273 →**

**Triple Match: \$507 →**

**Triple Match: \$702 →**

**Triple Match: Other amount →**

Increasing Democratic Voter Turnout is exactly what we do.

But Pence's incessant fundraising in the district will STEAL this election away from Democrat Danny O'Connor.

**If we can hit our goal, we'll be able to fully deploy our battle-tested Democratic Voter Turnout team and BURY Pence and Trump.**

**But falling short now would mean the END of our campaign.**

**So Munsup?!?! -- what do you say?!?! Rush a donation NOW (we need 642 more by 5pm TODAY!) to win the Ohio Special Election:**

**Triple Match: \$39 →**

**Triple Match: \$78 →**

**Triple Match: \$273 →**

**Triple Match: \$507 →**

**Triple Match: \$702 →**

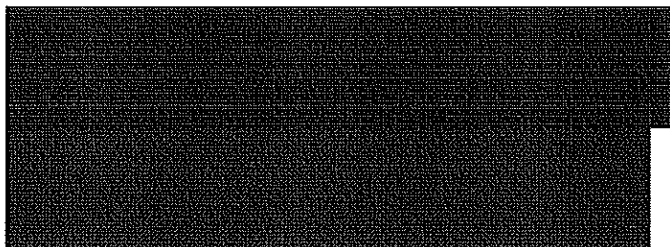
**Triple Match: Other amount →**

Paid for by Progressive Turnout Project and not authorized by any candidate or candidate's committee.

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**From:** Kathleen To

**Subject:** FW: Ohio's governor race too close to call



CORDRAY 42

DEWINE 40

**BREAKING poll: OHIO'S GOVERNOR RACE TOO CLOSE TO CALL!**

**Donate \$1 or more NOW to elect Dems across the country and STOP Trump in the states!**

Democrat Rich Cordray has a razor-thin lead against his Trump-endorsed extremist opponent in red Ohio, Kathleen. But that lead could evaporate INSTANTLY if we don't send enough resources to stay ahead right now.

The Koch brothers' network is spending \$400 million to elect GOP rubber stamps for Trump's bidding. We need to fight back, which means registering voters, responding to attack ads and funding strong Democrats like Rich Cordray.

**If you don't give now, you've already seen what happens next: Our leads vanish, we lose elections, our rights disappear. Planned Parenthood. Social Security. Medicare. It's all at stake in this election.**

**Kathleen, we're just \$7,231 short of what we need to elect Democratic governors in states like Ohio and across the country. Will you give \$1 – or whatever you can – to help Democrats fight in every race across America?**

**Donate \$1 or more NOW to elect Dems across the country and STOP Trump in the states!**

*If you've saved payment information with ActBlue Express, your donation will go through immediately:*

**Donate \$1 now >>**

**Donate \$5 now >>**

**Donate \$25 now >>**

**Or donate other amount >>**

Paid for by Democratic Action, [democraticgovernors.org](http://democraticgovernors.org), not authorized by any candidate or candidate's committee.

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**From:** Daily Kos

**Subject:** OHIO calls needed: ICE will NOT win here

**ICE and Border Patrol agents swarmed two Corso's Flower and Garden centers in Ohio last week, armed with AR-15's. They arrested over 100 Mexican workers *who were planting flowers* and ripped apart dozens of families.** Over 60 children were left stranded in daycares and schools, still wondering where their parent is and fearing for loved ones.

The horrific, violent mass raid comes two months after ICE arrested nearly 100 immigrants at a meat-processing plant in rural Tennessee, the largest single workplace raid in a decade.

**We need to put immediate pressure on Senators Rob Portman and Sherrod Brown to assist these victims, stop the imminent deportations, and defund ICE once and for all.**

**Please call them both TODAY at the numbers below, until you reach an aide or voicemail. Urge them to halt these deportations and defund ICE!**

Sen. Sherrod Brown  
Cleveland: (216) 522-7272  
Washington DC: (202) 224-2315

Sen. Rob Portman  
Cleveland: (216) 522-7095  
Washington DC: (202) 224-3353

Here's a sample script you can use:

Hi, This is Munsup Seoh and I live in 45431. I am calling regarding the ICE raid at Corso's last week. I urge the Senator to:

- Ensure that ICE halt all deportations until each worker can be identified, located, assessed, and helped
- Defund ICE and reinvest in the livelihood of immigrant communities

Thank you.



**After you complete your call(s), click here to tell us how it went. We're keeping a tally of calls made by Daily Kos readers.**

**Can't call? Getting a busy signal? Sign and send an urgent message to your Senators: Halt the deportations and defund ICE!**

### **SIGN AND SEND THE PETITION**

A humanitarian crisis is rippling across the country, terrorizing families and traumatizing children at the border, schools, workplaces, and homes.

Millions united for a day of action earlier in June to call for an end to family separation at the border. Since then, rallies across Ohio and the nation have called on Congress to halt the deportation of workers, defund ICE, and reinvest the money into the livelihood of immigrant communities.

**The time is now: Ohioans demand our Senators take immediate action to stop the violence against immigrant communities!**

**Please call them both TODAY at the numbers below, until you reach an aide or voicemail. Urge them to halt these deportations and defund ICE!**

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Can't call? Getting a busy signal? Sign and send an urgent message to your Senators: Halt the deportations and defund ICE!

**SIGN AND SEND THE PETITION**

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**From:** Supreme Court Watch

**Subject:** We won't sugarcoat it: This is \*bad\*

On Monday, June 15<sup>th</sup>, the Supreme Court ruled 5 to 4 in *Husted v. A. Philip Randolph Institute* that Ohio Republicans were within their rights when they purged certain voters from the rolls.

**We won't sugarcoat it: This is *bad*.**

It's bad because dozens of Republican-controlled states could now follow Ohio's example and enact devastating voter suppression schemes. It's bad because millions of voters could potentially be disenfranchised.

**And it's bad because our fight to end GOP gerrymandering just got that much harder.**

Democrats won't just have to win races -- we'll have to overcome a *new wave of Republican voter suppression* to win races. And that means we're going to need you more than ever.

**Will you chip in to help the NDRC overcome Republican voter suppression schemes to win elections?**

*If you've saved your payment information with ActBlue Express, your donation will go through immediately:*

Express donate \$19 >>

Express donate \$25 >>

Express donate \$50 >>

Express donate \$100 >>

Or, donate a different amount >>

Our path to fair redistricting just got significantly steeper, Munsup. Take these two examples of why voter suppression *matters*:

- In Wisconsin, a burdensome voter ID law is estimated to have kept 45,000 people from voting in 2016. Donald Trump won Wisconsin by fewer than 23,000 votes.<sup>[1]</sup><sub>SEP</sub>
- Last December, Democrat Doug Jones won Alabama's Senate election by one percentage point. But Alabama has a restrictive voter ID law that may have kept as many as 118,000 voters -- disproportionately Black and Latino -- away from the polls. As a result, Senator Jones nearly lost to an *alleged child molester*.

We fully expect that Republicans in Ohio and many other states will take advantage of the *Husted* decision to enact more voter suppression laws. **That means in order to win elections this November, in 2019, and in 2020 -- which Democrats will need to do to get a seat at the table for redistricting in 2021 -- our campaigns have to be that much stronger.**

**So we're counting on you.** Will you help the NDRC fight even harder to overcome Republican voter suppression and win fair maps?

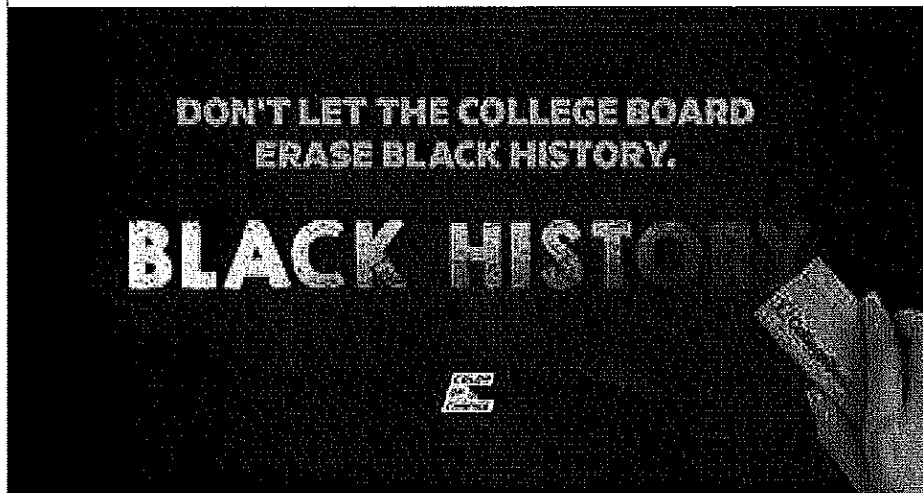
DONATE

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**From:** Brandi, Rashad, Arisha, Jade, Evan, Johnny, Future, Corina, Chad, Mary, Saréya, Eesha, Angela, Sam and the rest of the Color Of Change team

**Subject:** They're erasing Black history.

**Our history is not something can just be cast aside.**



**Demand the College Board preserve Black and Brown histories in their AP courses.**

[Take Action](#)

**Black history, our history, matters.** Yet the College Board, the massive non-profit that administers Advanced Placement (AP) classes, is in the process of removing Black and Brown history from their AP World History course - a course taken by millions of students every year.<sup>1</sup>

Under new changes announced by the College Board, the AP World History course will no longer cover material prior to 1450—approximately the beginning of European colonialism. **This alteration effectively erases the pre-colonial history of people of color from Africa, Asia, the Americas and the Middle East.** Instead of being one of the few opportunities for students across the country to learn about diverse histories and perspectives, the course will now reinforce the false centrality of white European colonialism in history.

**Our history is not something can just be cast aside.** But because of mounting pressure from students and teachers across the country to challenge the College Board's decision we have a chance to make sure that it is not. The College Board has stated they are willing to reexamine their decision, but have not committed to any concrete changes, so we need to **push for a full reinstatement of this content and a commitment to promote Black and Brown histories throughout their AP courses.**

**Save Black history. Tell the College Board to keep Black history in their courses.**

These changes to the AP World History course matter. **We live in a country where the people in power tell Black and Brown students every day that their history and their lives don't matter.**<sup>2</sup> A just history curriculum may be the only place where these students are exposed to histories beyond that of white Europeans.

In the past couple of years we've seen sustained efforts to erase Black and Brown histories from school curriculum. In Texas, the state school board pushed to downplay slavery as a cause of the Civil War and minimize the racial segregation of the Jim Crow era. Textbook publisher McGraw-Hill got caught calling African slaves "immigrants" and "workers."<sup>3</sup> Earlier this year, it was revealed that a far-right Koch Brothers backed group is offering free curriculum to budget strapped teachers, offering a revisionist version of slavery that paints it as a necessary evil to further freedom and democracy.<sup>4</sup> And just this week, Michigan announced a proposed curriculum change that would eliminate references to the NAACP, scale down the importance of the civil rights movement and eliminate mentions of gay rights, Roe v. Wade, and climate change.<sup>5</sup>

**Our history is under constant attack, but because the College Board's AP World History course is taught in thousands of schools to millions of students every year, the College Board plays a powerful role in setting de facto curriculum standards for all high school students.** With this power, the College Board has the responsibility to ensure that students everywhere are exposed to histories beyond that of colonial Europeans and understand that the histories of Black and Brown people did not start when European colonists arrived in their lands.

**Demand the College Board keep Black and Brown histories in their AP World History course.**

What's particularly cruel about the College Board's decision to cut Black and Brown history from their AP course curriculum is that they are using it as an opportunity to push teachers to pay for their new and expensive "pre-AP courses" by offering to put the Black and Brown histories they removed into that course instead. **But unlike the free curriculum for AP courses, pre-AP courses cost schools thousands of dollars a year effectively putting this content out of reach for most students.**<sup>6</sup>

All too often, the rich pre-colonial history of Africa, Asia, Americas and the Middle East is either erased or merely left as a footnote. For students of color, who rarely see themselves represented in high school courses, this erasure tells them that they do not matter. **The College Board says that they are "dedicated to equity in education."**

**If they are dedicated to equitable education, then they must not play a role in erasing Black and Brown histories.**

**Save Black history. Tell the College Board to keep Black history in their courses.**

References:

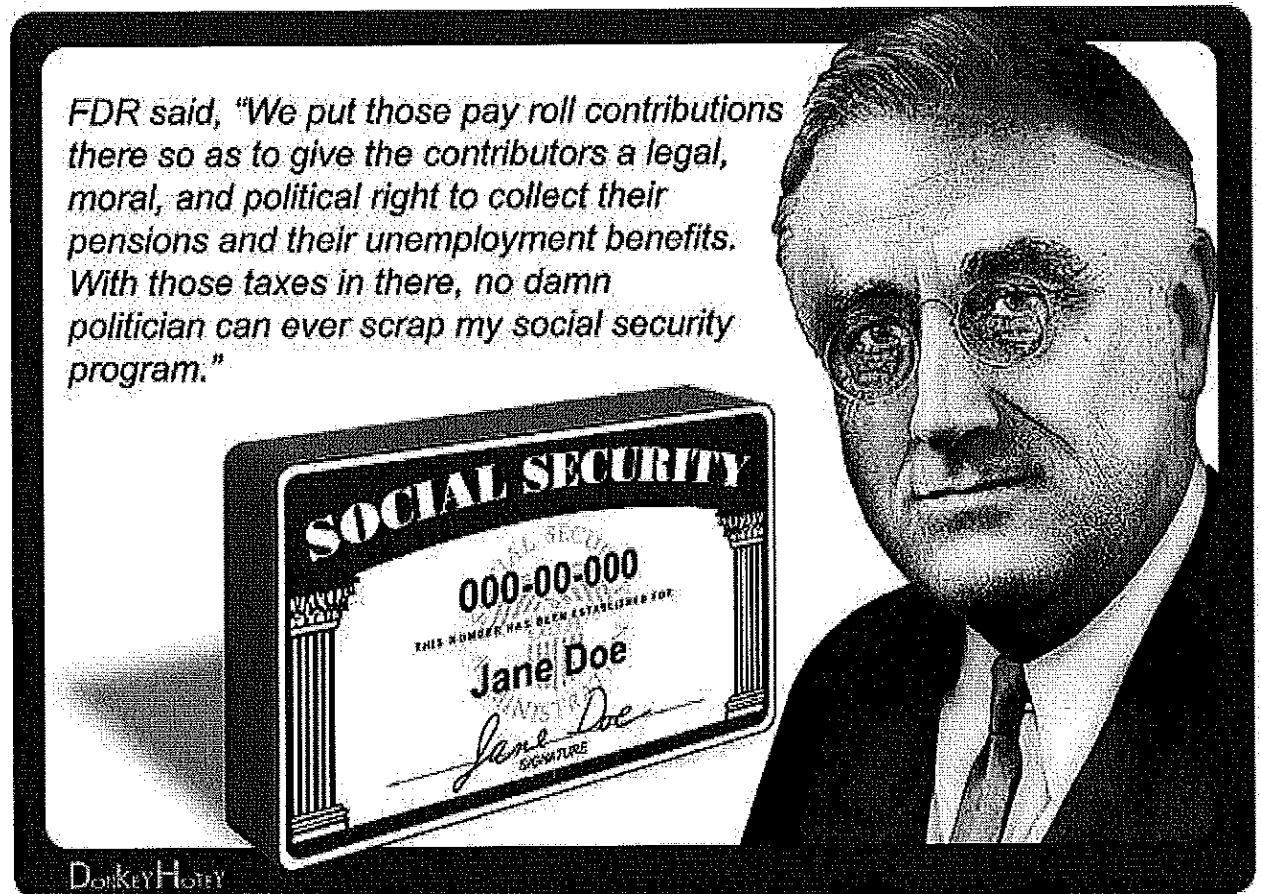
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**Color Of Change is building a movement to elevate the voices of Black folks and our allies, and win real social and political change. Help keep our movement strong.**

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**From:** Kathleen To

**Subject:** FW: Things You Would Want To Know About Social Security & Medicare



DonkeyHotey

The Medicare and Social Security Trustees just released their reports on these two vital social insurance programs. More than anything, they show that the GOP tax cuts are hurting Medicare and Social Security.

The Medicare report reveals that the Part A trust fund, which is funded with workers' payroll contributions, is now projected to face a shortfall eight years from now, 2026. The Social Security report reveals that its trust fund, which is also funded through workers' payroll contributions, will not face a shortfall until 16 years from now, 2034, the same projection as in 2017. It should be noted, however, that over the course of the last several decades shortfall projections have never been accurate and have changed from one year to the next.

Indeed, projections this year for the Social Security disability program are that it will not face a shortfall until 2032, four years longer than projected last year.

For the record, neither Medicare nor Social Security has ever actually faced a shortfall. Sometimes, the economy improves and more workers contribute to these programs. Or, workers make higher wages, increasing contributions to these programs. And, Congress can always step in to ensure these programs are adequately funded. With Social Security, Congress would need only to **lift the \$128,400 cap on Social Security contributions.**

Even if none of these things were to happen and the Medicare Trust Fund were to face this shortfall in 2026, it would still be able to pay out more than 90 percent of its estimated benefits. Similarly, if the Social Security Trust Fund were to face a shortfall in 2034, it would still be able to pay out 77 percent of its estimated benefits. Neither program would be insolvent.

Moreover, as Nancy Altman explains, the US can easily afford both Social Security and Medicare. The only reason we are seeing these projections from the Trustees, according to Altman, is that the Republicans have sabotaged Medicare. If Congress wanted to, it could easily expand both of these programs.

Trump and GOP initiatives are reducing the number of workers paying into Medicare and Social Security. And, their tax cuts reduce income for Medicare and Social Security. They also lower taxes on Social Security benefits. "As a whole, the law has a significant net negative effect on the financial status of the OASDI program [both retirement and disability] over the short-range projection period and a negligible net positive effect over the long-range projection period," according to the Trustees.

As of 2019, the GOP tax cut ends the penalty on people who do not have health insurance under the Affordable Care Act, which will increase Medicare costs. More people will go without insurance pre-Medicare, now that they do not have to pay a penalty for so doing. And, that will mean that more uninsured will need hospital care, driving up hospital costs and, as a result, increasing the amount Medicare pays hospitals.

The GOP also ended the Independent Payment Advisory Board, which was designed to help ensure Medicare remained strong, keep its rate of growth down and improving quality. Without IPAB, there is no mechanism to realize these goals

Written by Diane Archer



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**From:** José Morales

**Subject:** "Dems just won an election Walker didn't want to have" (Vox)

**"Democrats just won a Wisconsin special  
election Scott Walker didn't want to have"**

-- Vox, 6/13/18

Here's how it went down:

**FIRST** Republican Governor Scott Walker was nervous about a string of Democratic wins in Wisconsin... so he *refused* to hold two special elections.

**THEN** the National Redistricting Foundation (NRF), the NDRC's affiliate, supported plaintiffs in **suing Walker** -- and a judge sided with the plaintiffs and ordered him to hold elections.

**AND ON TUESDAY**, Democrat Caleb Frostman WON his special election, flipping a state Senate seat in a district that Donald Trump had won by *17 points*.

**Not only does this win show incredible Democratic momentum, but we're now one step closer to a Democratic majority in the state Senate. Will you chip in to help the NDRC score more wins like this one?**

*If you've saved your payment information with ActBlue Express, your donation will go through immediately:*

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[Express donate \\$100 >>](#)

[Or, donate a different amount >>](#)

Here at the NDRC, we're thrilled that our work and that of our allies helped lead to Tuesday's outcome. Not only did the NRF support the plaintiffs who sued Walker, but once the elections were ordered, the NDRC and its allies made a six-figure investment to help elect Democrats.

Caleb's win shows that our approach to ending gerrymandering is the right one. **We're not just investing in the easy-to-win races -- we're going to fight for even**